



{In Archive} Fw: Pretty Prairie order

Mary Mindrup to: Diane Huffman

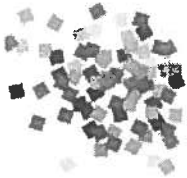
04/24/2008 12:27 PM

Archive: This message is being viewed in an archive.

Enforcement may need to take the lead on discussions with Pretty Prairie. This is why Monica is trying to talk with you about the situation.

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 04/24/2008 12:25 PM -----



Monica Wurtz/R7/USEPA/US

04/24/2008 11:35 AM

To Mary Mindrup/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA, Diane  
Huffman/R7/USEPA/US@EPA  
cc Stacie Tucker/R7/USEPA/US@EPA

Subject Fw: Pretty Prairie order

All,

The final Consent Order (1996) and Directive (2007) for Pretty Prairie are attached. Please note Kelly Kelsey's comments regarding the failure to implement a wellhead protection program as required in the Consent Order. I am trying to re-schedule our meeting so that both legal council and enforcement will be involved.

Monica  
x7868

----- Forwarded by Monica Wurtz/R7/USEPA/US on 04/24/2008 11:23 AM -----



KKelsey@kdhe.state.ks.us

04/24/2008 09:50 AM

To DWaldo@kdhe.state.ks.us

cc Monica Wurtz/R7/USEPA/US@EPA

Subject Re: Pretty Prairie order

I am attaching the 1996 Consent Order and the 2007 Directive. In the 1996 Consent Order, please review Paragraph 17 under Schedule of Actions. I do not believe that Pretty Prairie ever developed or implemented a wellhead protection program as required. Which then leads to Paragraphs 25 and 26 of the Order which I believe opens the door for KDHE to issue the 2007 Directive.

(See attached file: 1996 Consent Order 96\_E\_0263.pdf) (See attached file: 2007 Directive.pdf)

~~~~~  
Kelly D. Kelsey

Environmental Scientist  
Kansas Department of Health and Environment  
Bureau of Water - Public Water Supply Section  
1000 SW Jackson Street; Suite 420  
Topeka, Kansas 66612  
Voice: (785) 296-6297  
Fax: (785) 296-5509  
kkelsey@kdhe.state.ks.us  
www.kdheks.gov

Dave Waldo/Kdhe

04/24/2008 09:12  
AM

Kelly Kelsey/Kdhe@Kdhe

To

cc

Subject

Pretty Prairie order

Kelly, Monica requested a copy, electronic if available, of the KDHE/PP order or consent agreement. I'd take one too.

Thanks.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503



Fax 785 296 5509 1996 Consent Order 96\_E\_0263.pdf 2007 Directive.pdf



{In Archive} Fw: Pretty Prairie order

Monica Wurtz to: Mary Mindrup, Ken Deason, Diane Huffman  
Cc: Stacie Tucker

04/24/2008 11:35 AM

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Kelly D. Kelsey  
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Voice: (785) 296-6297  
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Dave Waldo/Kdhe

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Pretty Prairie order

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Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503



Fax 785 296 5509 1996 Consent Order 96\_E\_0263.pdf 2007 Directive.pdf

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

IN THE MATTER OF:

CASE No. 96-E-0263

CITY OF PRETTY PRAIRIE, KANSAS  
PUBLIC WATER SUPPLY ID #T4000

COMPLIANCE WITH K.A.R. 1995 SUPP. 28-15-13(b),  
ADMINISTRATIVE ORDER CASE No. 91-E-71,  
PROCEEDING UNDER K.S.A. 1995 SUPP. 65-163

CONSENT ORDER

I. PRELIMINARY STATEMENT

The Kansas Department of Health and Environment (KDHE) and the City of Pretty Prairie (City), having agreed that settlement of this matter is in the best interest of all parties and the public, hereby represent and state as follows:

II. STATUTORY AUTHORITY

1. KDHE is a duly authorized agency of the state of Kansas, created by an act of the legislature. KDHE has general jurisdiction over matters involving public water supply and protection of public health under the authority of K.S.A. 1995 Supp. 65-163 et seq. The following Findings of Fact and Conclusions of Law are made and Consent Order issued under the authority vested in the Secretary of the Kansas Department of Health and Environment (Secretary) by K.S.A. 1995 Supp. 65-163.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

2. The City operates a public water supply system as defined by K.S.A. 65-162a. A public water supply system is defined as "a system for the provision to the public of piped water for human consumption, if such system has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any, source, treatment storage or distribution facilities not under such control but which are used in connection with such system."

3. K.S.A. 65-171m states in part, "The secretary of health and environment shall adopt rules and regulations for the implementation of this act. In addition to procedural rules and regulations, the

secretary may adopt rules and regulations providing for but not limited to: (a) primary drinking water standards applicable to all public water supply systems in the state. The primary drinking water standards may: (1) identify contaminants which may have an adverse effect on the health of persons; (2) specify for each contaminant either a maximum contaminant level that is acceptable in water for human consumption, ..."

4. K.S.A. 1995 Supp. 65-163 states in part: "(2) Whenever an investigation of any public water supply system is undertaken by the secretary, it shall be the duty of the supplier of water under investigation to furnish to the secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the secretary's judgment be necessary to safeguard the sanitary quality of the water and bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the secretary."

5. As authorized by K.S.A. 65-171m, the secretary adopted a maximum contaminant level (MCL) for nitrate of 10 mg/l, measured as N, at K.A.R. 1995 Supp. 28-15-13(b).

6. Administrative order, Case No. 89-E-10 was issued to the City by KDHE on February 13, 1989. This order contained a schedule of actions for the City to follow to return to compliance with the nitrate MCL. This order was not appealed and became a final order of the Secretary.

7. On October 28, 1990, Administrative Order No. 90-E-71 was issued to the City for failure to comply with Administrative Order No. 89-E-10. Administrative Order No. 89-E-10 was included by reference. Administrative Order No. 90-E-71 assessed penalties of \$12,675 for failure to comply with Administrative Order No. 89-E-10. This Order was timely appealed.

8. On October 24, 1991, the City and KDHE entered into Consent Order No. 91-E-71. Administrative Orders 89-E-10 and 91-E-71 were included by reference. Under the Consent Order, the City waived its appeal of Administrative Order No. 90-E-71 and agreed to pay \$675 in civil penalty. The remaining penalty was dismissed on the condition that the City comply with a schedule to comply with the nitrate MCL.

9. In partial response to the consent agreement, the City constructed Well No. 5, which was placed into operation in November of 1994. At this time, Wells No. 3 and 4 were removed from service, and the City relied entirely on Well No. 5.

10. The nitrate levels in Well No. 5 have been as high as 11.31 mg/l in samples analyzed in the KDHE laboratory.

11. The City has expressed an interest in proceeding with a wellhead protection plan to protect the quality of water in the Pretty Prairie area, and to lower ambient groundwater nitrate levels.

12. K.S.A. 65-171r prohibits the following acts: "(c) the failure of a supplier of water under investigation to furnish information to the secretary under K.S.A. 65-163, and amendments thereto; (d) the failure of a supplier of water to comply with any final order of the secretary issued under the provisions of K.S.A. 65-163 or 65-163a, and amendments thereto; (e) the failure of a supplier of water to comply with a primary drinking water standard established under K.S.A. 65-171m, and amendments thereto unless a variance or exception has been granted;"

13. K.S.A. 65-171s states in part: "Any person who violates any provision of K.S.A. 65-171r shall incur, in addition to any other penalty provided by law, a civil penalty in an amount not more than \$5,000 for each violation."

#### IV. CONSENT ORDER

14. Therefore, based on the above and pursuant to K.S.A. 1995 Supp. 65-163, the Secretary hereby orders and the City hereby consents to comply with the following Schedule of Actions.

##### Schedule of Actions

15. The city shall test each point of entry to its distribution system for nitrate at least quarterly, using the KDHE laboratory, or a KDHE-certified laboratory. The City shall increase the sampling frequency to either monthly or weekly if directed to do so by KDHE. Results shall be submitted to KDHE by the 10th day of January, April, July, and October summarizing the results of all samples taken and analyzed in the previous quarter.

16. When the test results indicate the nitrate levels exceed the MCL of 10 mg/l, the City shall take the following actions:

a. Issue public notice on a quarterly basis as required by K.A.R. 1995 Supp. 28-15-15a. Copies of the notice shall be furnished to all area health care providers including medical doctors, clinics, hospitals, and the Reno County Health Department. Copies shall also be provided to day care centers and commercial establishments serving the traveling public, and posted in any roadside parks served by the City water system.

b. The City shall provide free of charge, an alternate source of drinking water for all infants less than six months of age, mothers nursing infants less than six months of age, and pregnant women. The drinking water provided must meet the requirements of K.A.R. 28-15-13. If bottled water is chosen to meet this requirement, the City shall obtain a certification from the bottled water supplier that the bottled water meets the appropriate requirements of the FDA concerning the source of the water and monitoring of water quality.

17. The City shall adopt and implement its wellhead protection program according to the following schedule. The wellhead protection program shall conform with the Kansas Wellhead Protection Program. A progress report shall be submitted to KDHE within 10 days of the dates outlined in the schedule.

a. The city shall complete delineation of the wellhead protection area no later than March 31, 1997.

b. The city shall complete an inventory of existing and potential pollution sources within the wellhead protection area no later than June 30, 1997.

c. The city shall complete development of management strategies for the existing and potential pollution sources identified above, with particular emphasis given to sources of nitrate contamination of the groundwater, no later than September 30, 1997.

d. The city shall submit its wellhead protection plan to KDHE for review by October 31, 1997.

e. The city shall adopt and implement its wellhead protection plan no later than December 31, 1997.



18. If nitrate levels exceed 15 mg/l in two of three consecutive quarters, upon notice by KDHE, the City will obtain or prepare a formal feasibility study, including cost estimates, of obtaining a new source of water, blending existing sources of water to produce acceptable quality of water, purchasing water of acceptable quality from a neighboring public water supplier, providing treatment to reduce the nitrate concentration to an acceptable level, or any combination of these options. The City shall submit the feasibility study to KDHE within twelve months of receiving notice from KDHE.

19. If nitrate levels exceed 20 mg/l in two of three consecutive quarters, this consent agreement will be revised to include a schedule requiring the City to implement an option identified in paragraph 18 above.

20. The City shall submit quarterly reports to KDHE discussing its progress in each of the following areas as appropriate: implementing the wellhead protection program required in paragraph 17 above; completing the feasibility study required in paragraph 18 above, or implementing the option selected according to paragraph 19 above.

#### V. OTHER PROVISIONS

21. All actions required to be undertaken pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. In any action by KDHE to enforce the terms of this Consent Order, the City agrees not to contest the authority or jurisdiction of the Secretary of Health and Environment to issue this Consent Order.

22. This Consent Order shall apply to and be binding upon KDHE and the City, its agents, successors, and assigns. No change in the ownership or corporate status of the City shall alter its responsibilities under this Consent Order.

23. The City shall provide a copy of this Consent Order to any subsequent owners or successors before ownership rights are transferred. The City shall provide a copy of this Consent Order to all contractors, sub-contractors, and consultants which are retained to conduct any work performed under this Consent Order, within 14 days after the effective date of this Consent Order or the date of retaining their services. Notwithstanding the terms of any contract, the City is responsible for compliance with this Consent Order and for insuring that its contractors and agents comply with this Consent Order.

24. The activities conducted under this Consent Order are subject to approval by KDHE, and the City shall provide all appropriate necessary information consistent with this Consent Order requested by KDHE.

25. The City agrees to meet every term and condition of this Consent Order. Failure to meet the terms and requirements of the Schedule of Actions for improvements, or any term or condition of, or scheduled date of performance in this Order, or any report, work plan or other writing prepared pursuant to and incorporated into this Order, shall constitute a violation of this Consent Order and may subject the City to further enforcement action including but not limited to the assessment of civil penalties not to exceed \$5,000 per day for each day in which such violation occurs or failure to comply continues.

26. The provisions of this Consent Order shall terminate upon the receipt by the City, of written notice from KDHE that the City has demonstrated that the terms of this Consent Order, including any additional tasks which KDHE has determined to be necessary, has been satisfactorily completed. Failure to complete the Schedule of Actions for improvements by the specified dates will subject the City to further enforcement action.

27. (a) The City shall perform the requirements under this Consent Order within the time limits set forth herein unless, the performance is prevented or delayed solely by events which constitute a force majeure. For purposes of this Consent Order a force majeure is defined as any event beyond the control of the City which could not be overcome by due diligence and which delays or prevents performance by a date required by this Consent Order. Such events do not include increased costs of performance or changed economic circumstances. Any delay caused in whole or in part by action or inaction by federal or state authorities shall be considered a force majeure and shall not be deemed a violation of any obligations required by this Consent Order.

(b) The City shall have the burden of proving all claims of force majeure. Failure to comply by reason of force majeure shall not be construed as a violation of this Consent Order.

(c) The City shall notify KDHE in writing within seven days after becoming aware of an event which the City knew, or should have known, constituted force majeure. Such notice shall estimate the anticipated length of delay, its cause, measures to be taken to minimize the delay, and an estimated timetable for implementation of these measures. Failure to comply with the notice provision of this section shall constitute a waiver of the City's right to assert a force majeure claim and shall be grounds for KDHE to deny the City an extension of time for performance.

(d) Within seven days of the receipt of written notice from the City of a force majeure event, KDHE shall notify the City of the extent to which modifications to this Consent Order are necessary. In the event KDHE and the City cannot agree that a force majeure event has occurred, or if there is no agreement on the length of the extension, the dispute shall be resolved by the Director of Environment under the Dispute Resolution Procedure provided herein.

(e) Any modifications to any provision of this Consent Order shall not alter the Schedule For Improvement or completion of other tasks required by this Consent Order unless specifically agreed to by the parties in writing and incorporated into this Consent Order.

28. This Consent Order may be amended by mutual agreement of KDHE and the City. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties and shall be incorporated into this Consent Order.

29. Dispute Resolution Procedure

(a) The parties recognize that a dispute may arise between them regarding implementation of the action to be taken as herein set forth or other terms or provisions of this Consent Order. If such dispute arises, the parties will endeavor to settle it by informal negotiations between themselves. If the parties cannot resolve the issue informally within a reasonable period of time, either of the parties may notify the other in writing stating specifically that informal negotiations have failed, that formal dispute resolution under this paragraph has commenced and stating its position with regard to the dispute and the reason therefore. A party receiving such a notice of dispute will respond in writing within ten (10) working days stating its position. The parties shall have an additional ten (10) working day period to prepare written arguments and evidence for submission to the other party. Any settlement shall be reduced to writing, signed by representatives of each party and incorporated into the Consent Order. If the parties are unable to reach an agreement following this procedure, the matter shall be referred to the Director of the Division of Environment, KDHE, who shall decide the matter and provide a written statement of his decision which shall be incorporated into the Consent Order.

(b) This dispute resolution procedure shall not preclude any party from having direct recourse to court if otherwise available by applicable law.

30. The requirements of this Consent Order represent the best professional judgement of KDHE at this time based on the available information. If circumstances change significantly so that data indicates an immediate threat of danger to the public health or safety or the environment or a significantly different threat other than the alleged deficiencies addressed herein, then KDHE reserves the right to modify dates or requirements herein as it deems reasonably necessary and the City reserves the right to appeal any such modifications or additional requirements.

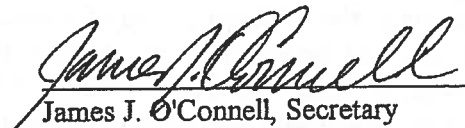
31. Nothing contained in this Consent Order shall affect any right, claim, interest, defense, or cause of action of any party hereto with respect to any person or entity not a party to this Order. This Order does not constitute a waiver, suspension, or modification of the requirements of applicable statutes or regulations which remain in full force and effect.


32. The parties hereto have affixed their signatures on the dates inserted below to acknowledge their agreement to this Consent Order. The signatories to this Consent Order certify that they are authorized to execute and legally bind the parties they represent to this Consent Order.

33. KDHE reserves the right to cancel or modify this agreement if new information concerning the health effects of nitrate is discovered.

34. Upon execution of this Consent Agreement, Case No. 91-E-71 is dismissed.

IT IS SO AGREED.

  
James J. O'Connell, Secretary  
Kansas Department of Health  
and Environment

  
City of Pretty Prairie

Dated: 15 Oct 96

Dated: 10-01-96



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

## DIRECTIVE

July 20, 2007

Curt Miller, Mayor  
City of Pretty Prairie  
119 West Main  
PO Box 68  
Pretty Prairie, Kansas 67570

Re: Public Water Supply: Nitrate MCL Non-Compliance  
**Federal ID No.: KS2015501**  
**State ID No.: T4000**

Dear Mayor Miller and City Council Members:

Drinking water delivered by the city of Pretty Prairie from Well 05/Treatment Plant 001 (Site ID #00123378) to its customers continues to exceed the maximum contaminant level (MCL) of 10 mg/L established for nitrate. The exceedance of the nitrate MCL has resulted in continuous violation of K.A.R. 28-15a-62. A summary of monitoring results is attached to this Directive.

A Nitrate Consent Order previously issued to the City on August 20, 1996 did not result in compliance and has since expired. Therefore, in order to address the continued violations, the city of Pretty Prairie is hereby directed to:

1. Sample the water for nitrate at least once every three months (quarterly). The sampling frequency shall be increased to either monthly or weekly if instructed to do so in writing by KDHE. The City may use the KDHE laboratory or a KDHE-certified private laboratory for analysis. If a private laboratory is used, nitrate results shall be submitted to KDHE - Bureau of Water by the 10<sup>th</sup> day of January, April, July and October for the previous quarter.
2. When test results indicate the nitrate levels exceed the MCL of 10 mg/L at the point of entry, the city of Pretty Prairie shall take the following actions:
  - a. Issue public notice to all customers served **as soon as possible within 24 hours** in accordance with K.A.R. 28-15a-202. Copies of the notice shall be furnished to the county health department. A copy of the notice is also required to be submitted to the KDHE within 10 days of delivering such notice to your customers.

- b. Provide, free of charge, an alternate source of drinking water for all infants less than six months of age, mothers who are nursing infants less than six months of age, and pregnant women. The drinking water provided must meet the requirements of K.A.R. 28-15a-23. If bottled water is chosen to meet this requirement, the city of Pretty Prairie shall obtain a certification from the bottled water supplier that the bottled water meets the appropriate requirements of the U.S. Food and Drug Administration (FDA).
3. The city of Pretty Prairie shall obtain the services of a Kansas-licensed professional engineer to prepare a formal feasibility study, including cost estimates to comply with the nitrate MCL. The city of Pretty Prairie shall submit the Feasibility Study to the KDHE by **December 20, 2007**. The city of Pretty Prairie and the KDHE will jointly review the results of the feasibility study and determine a course of action. At a minimum, the feasibility study shall address the following options:
- a. Obtaining a new source of raw water,
  - b. Obtaining water of acceptable quality from another public water supply,
  - c. Treatment options to reduce nitrate, including the feasibility of blending existing sources of water to produce acceptable quality water, and
  - d. If a new source can be obtained, minimizing the use of, or removing from service, the individual water well causing the problem.

Please submit the above mentioned items to the KDHE; Public Water Supply Section at 1000 SW Jackson, Suite 420; Topeka, KS 66612 as indicated. If you have any questions or need any assistance regarding this matter, please contact Kelly Kelsey at (785) 296-6297.

Sincerely,



Karl W. Mueldener, P.E.  
Director, Bureau of Water

Attachment

KWM:kdk

pc: Reno County Health Department  
KDHE-SCDO  
DRP/PJC/DCS/1.0 File

# ATTACHMENT

Nitrate results in **red bold type** are in violation of the MCL.

## SUMMARY OF NITRATE RESULTS 1995 – Present

FEDERAL ID	SYSTEM NAME	COLLECT DATE	ANALYTE	RESULT	UNIT
KS2015501	PRETTY PRAIRIE, CITY OF	June 19, 2007	NITRATE	<b>13</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 13, 2007	NITRATE	<b>14</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	May 1, 2006	NITRATE	<b>13</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 20, 2006	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	January 10, 2006	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	October 12, 2005	NITRATE	<b>7</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	August 1, 2005	NITRATE	<b>10</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	May 31, 2005	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	February 14, 2005	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	December 6, 2004	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	August 23, 2004	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	June 12, 2004	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	February 23, 2004	NITRATE	<b>10</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	April 7, 2003	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	September 25, 2000	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	August 24, 2000	NITRATE	<b>12</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	January 31, 1997	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	May 16, 1996	NITRATE	<b>16</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	May 16, 1996	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 26, 1996	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 26, 1996	NITRATE	<b>13</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	October 25, 1995	NITRATE	<b>10</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	September 27, 1995	NITRATE	<b>14</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	September 26, 1995	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	July 28, 1995	NITRATE	<b>10</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	June 28, 1995	NITRATE	<b>16</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	June 28, 1995	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	April 19, 1995	NITRATE	<b>13</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	April 19, 1995	NITRATE	<b>10</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 30, 1995	NITRATE	<b>11</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 30, 1995	NITRATE	<b>15</b>	MG/L
KS2015501	PRETTY PRAIRIE, CITY OF	March 30, 1995	NITRATE	<b>16</b>	MG/L







## Update: Pretty Prairie, KS - Nitrate Issue

Thu 04/24/2008 11:00 AM - 12:00

PM

Attendance is **required** for Diane Huffman

Chair: **Monica Wurtz/R7/USEPA/US**

Rooms: **3230/R7-RO@EPA**

**Monica Wurtz** has sent updated information



Required:

Chris Dudding/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA, Stacie Tucker/R7/USEPA/US@EPA

### Description

Mary & I received a letter on 4-21 from the mayor of Pretty Prairie requesting that we come meet with the city and their council members regarding nitrate compliance issues. The purpose of our meeting is to decide who, from EPA, should attend the meeting with Pretty Prairie and to discuss both past and present enforcement action taken on this system. I've attached some recent correspondence.



Pretty Prairie 4-16-08.pdf Pretty Prairie 2-4-08.pdf

Monica  
x7868



DRWM Rec'd APR 21 2008



## CITY OF PRETTY PRAIRIE

P.O. Box 68 • 119 West Main • Pretty Prairie, Kansas 67570-0068

620-459-6392 • FAX 620-459-7354

E-Mail: pprairie@btsskynet.net • www.skyways.org/towns/PrettyPrairie

*"HOME OF KANSAS' LARGEST NIGHT RODEO"*

April 16, 2008

Ms. Monica Wurtz and Mary Tietjen-Mindrup  
Drinking Water Management Branch  
Environmental Protection Agency  
901 N. 5<sup>th</sup>  
Kansas City, Kansas 66101

Dear Monica and Mary:

The City of Pretty Prairie and our City Council members would like to meet with you to visit about our City's nitrate situation and achieving compliance with the Safe Drinking Water Act in this regard. We would like to have you visit our City, if possible, to discuss this matter. Our City has used the bottled water program in the past under a Consent Order, which has been a successful and economic remedy for our community.

Please let us know when one of you or both, might be able to arrange a meeting time with us here in Pretty Prairie to further discuss this situation. You may call our City Clerk, Patti Brace, and let her know if this might be possible to do.

The City appreciates your consideration in this matter and we do look forward to visiting with you.

Sincerely,

Curt Miller  
Mayor  
City of Pretty Prairie

---

*"Where the best wheat in Kansas is grown"*

---





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

FEB 04 2008

Honorable Curt Miller  
Mayor of City of Pretty Prairie  
119 West Main Street  
Pretty Prairie, KS 67570

Dear Mayor Miller:

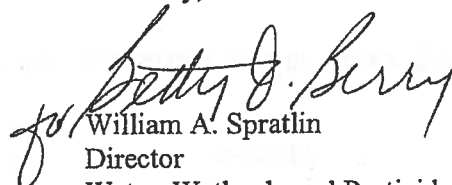
Re: Use of Bottled Water Under the Safe Drinking Water Act (SDWA)

It has been brought to the attention of the U.S. Environmental Protection Agency (EPA), Region VII, through the Kansas Department of Health and the Environment (KDHE) that Pretty Prairie is seeking clarification of the use of bottled water to achieve compliance with provisions of the SDWA. Under the SDWA, bottled water is allowed for use in very limited situations, such as in emergency situations or as a temporary measure under variances and exemptions. However, bottled water is prohibited for use by a public water system to achieve compliance with the Maximum Contaminant Level (MCL); 40 CFR § 141.101 reads "Public water systems shall not use bottled water to achieve compliance with an MCL. Bottled water may be used on a temporary basis to avoid unreasonable risk to health."

The city's of Pretty Prairie drinking water system has a long history of exceeding the MCL for nitrates under the SDWA and must come into compliance with the MCL as soon as possible. Because bottled water cannot be used to achieve compliance with MCL, EPA strongly encourages the city of Pretty Prairie to work with KDHE and take additional measures to come into compliance.

If you have any questions, please contact Mary Tietjen-Mindrup, Chief, Drinking Water Management Branch, at (913) 551-7431.

Sincerely,

  
William A. Spratlin  
Director

Water, Wetlands and Pesticides Division

cc: Dave Waldo  
KDHE

Honorable Curt Miller  
Mayor of City of Pretty Prairie  
119 West Main Street  
Pretty Prairie, KS 67570

Dear Mayor Miller:

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Sincerely,

William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

cc: Dave Waldo  
KDHE

WWPD/DRWM:Wurtz:MCx7490:01-30-08:H:DRNK/2008 Correspondence/Wurtz/Pretty Prairie.doc

Wurtz

*Monica Wurtz*

01/30/08

Mindrup

*M. Mindrup*

01/29/08

*W. A. Spratlin*

02/04/08



{In Archive} One of Two e-mails regarding Drinking water Issues

Mary Mindrup to: Kris Lancaster, Janette Lambert, LaTonya Sanders

03/10/2008 08:27 AM

Cc: William Spratlin, Rich Hood, Diane Huffman

Archive:

This message is being viewed in an archive.

Fw: Pretty Prairie Nitrate violations and the use of bottle water

We learned from KDHE's water director that a local drinking water system who has trouble over the past 10 years complying with nitrate standards for drinking water. Below is the heads up message and then following that is an e-mail with information to be used to respond to inquiries. Question is whether we want to send something to the congressional representatives of the area in advance or wait. I seek your recommendation on this.

I will be following this e-mail with the messaging on **Pharmaceuticals in Drinking Water**.

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV



KMuelden@kdhe.state.ks.us

03/05/2008 05:01 PM

To William Spratlin/R7/USEPA/US@EPA

cc dwaldo@kdhe.state.ks.us, Mary Mindrup/R7/USEPA/US@EPA

Subject water supply rumblings

Art:

Below is an excerpt from an internal KDHE e-mail with our staff passing along a "heads up". FYI  
Karl

*I was visiting with a consultant on the telephone this morning regarding our Directive issued to Kirwin for nitrate MCL violations and the requirement of a feasibility study. He informed me that the city of Pretty Prairie had sent letters to Kirwin, Green, HaviLand, Everest, Norwich, Argonia (small community nitrate MCL violators) trying to arrange a meeting. Supposedly this meeting is being held Monday, March 10, 2008 in Salina. As I understand, these small communities are holding a meeting as a first action to begin fighting KDHE and EPA on the nitrate MCL of 10 ppm and more specifically the ability to use bottled water. You may have already heard this, but if not .... thought you should know.*

----- Forwarded by Mary Mindrup/R7/USEPA/US on 03/10/2008 08:00 AM -----



Ken  
Deason/WWPD/R7/USEPA/US  
S  
Sent by: Ken Deason

To Mary Mindrup/R7/USEPA/US@EPA  
cc



03/07/2008 10:04 AM

Subject: Pretty Prairie Nitrate violations and the use of bottle water

Mary,

In anticipation of receiving additional inquiries regarding the use of bottled water as a long term compliance solution for nitrates in drinking water; I have prepared responses to questions that we used recently for Kris Lancaster in response to questions posed by Mr. Jerry Moran. Please see the attached bottled water policy and response to questions asked by Kris.

Thank you....

I reviewed EPA's policy on bottled water on March 6th with OGWDW. Their response indicated that bottled water is still prohibited as being anything more than a temporary option. OGWDW decided not to make any policy changes or follow up further after the listening session (*which was held for stakeholders last fall*) - mostly because anything OGWDW prescribed would likely be more stringent than what the interested states wanted. OGWDW felt states had enough flexibility under enforcement agreements to allow bottled water for the temporary situations they desired. I believe the only way OGWDW would get involved at this point, would be on a formal request for guidance or on a referral of an enforcement case [from the Region's] .



Bottled Water Issue Paper.doc

---

Kris,

Attached is our response to the question posed by the reporter. Please let me know if you need additional information or clarification.

Ken



Nitrate questions.doc

---

Kris,

As we have stated: The EPA, State and local communities work to achieve the goal of public health protection. Every person deserves water which meets the public health protection standards provided by the Safe Drinking Water Act.

EPA regional offices do not have the information regarding the specific studies used to determine long-term exposure. The CDC has the information regarding the spleen as identified in the attached document as of the summer 2003. Below are fact sheets or web location for further information.

EPA Consumer Factsheet on: NITRATES/NITRITES - For more information, visit [http://www.epa.gov/OGWDW/contaminants/dw\\_contamfs/nitrates.html](http://www.epa.gov/OGWDW/contaminants/dw_contamfs/nitrates.html)





contaminants-CDC.pdf

From the desk of ....  
Ken Deason, Geologist  
US EPA, Region 7  
901 North 5th Street  
Kansas City, Kansas 66101

913-551-7585 Fax: 8722

THE INFORMATION IN THIS ELECTRONIC COMMUNICATION IS INTENDED SOLELY FOR THE NAMED RECIPIENT AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE DELETE IT FROM YOUR SYSTEM WITHOUT FURTHER COPYING AND NOTIFY THE SENDER AT DEASON.KEN@EPA.GOV OR (913) 551-7585.

Kris Lancaster/R7/USEPA/US



Kris  
Lancaster/R7/USEPA/US  
02/14/2008 06:28 AM

To Ken Deason/R7/USEPA/US@EPA, Mary  
Mindrup/R7/USEPA/US@EPA  
cc

Subject Fw: Re: Ryan: Thanks for sending me a tearsheet

Hello Ken and Mary,  
It looks like he has additional questions. What would be your response?  
I will be in the office around 3 p.m. Thursday. I am at a biofuels meeting in Ames, Iowa.  
Kris

-----Forwarded by Kris Lancaster/R7/USEPA/US on 02/14/2008 06:31AM -----

To: Kris Lancaster/R7/USEPA/US@EPA  
From: "Ryan Bergen" <ryan.p.bergen@gmail.com>  
Date: 02/13/2008 10:35PM  
Subject: Re: Ryan: Thanks for sending me a tearsheet

Thank you for your help.

I've come upon another couple questions:

What studies did the EPA use to determine that long-term exposure to nitrates in drinking water puts people at risk of diuresis, starchy deposits in the spleen and hemorrhaging of the spleen?

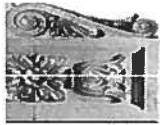
When were these long-term effects added to the list of health hazards for levels of nitrates higher than the MCL?

Thank you,

Ryan Bergen  
The Ninnescah Valley News  
620 459 6322

On Feb 12, 2008 10:11 AM, <[Lancaster.Kris@epamail.epa.gov](mailto:Lancaster.Kris@epamail.epa.gov)> wrote:

Kris Lancaster  
Public Affairs Specialist  
OPA, 5111A  
U.S. Environmental Protection Agency  
901 N. 5th Street  
Kansas City, Kansas 66101  
(913)551-7557  
[lancaster.kris@epa.gov](mailto:lancaster.kris@epa.gov)



{In Archive} Fw: water supply rumblings  
Mary Mindrup to: Ken Deason, Monica Wurtz  
Cc: Diane Huffman

03/06/2008 08:40 AM

Archive:

This message is being viewed in an archive.

Here is the other e-mail. Art also mentioned finding out what KS-RWA is thinking about bottle water for compliance and to confirm we have support from HQ (both OECA and OW).

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 03/06/2008 08:38 AM -----



William  
Spratlin/R7/USEPA/US  
03/06/2008 07:14 AM

To Huffman.diane@epa.gov, mindrup.mary@epa.gov  
cc

Subject Fw: water supply rumblings

Lets discuss when both of you have a chance.

William A. Spratlin, Director  
Water, Wetlands and Pesticides Division  
EPA Region 7  
913-551-7401  
spratlin.william@epa.gov

----- Forwarded by William Spratlin/R7/USEPA/US on 03/06/2008 07:14 AM -----



KMuelden@kdhe.state.ks.us  
03/05/2008 05:01 PM

To William Spratlin/R7/USEPA/US@EPA  
cc dwaldo@kdhe.state.ks.us, Mary  
Mindrup/R7/USEPA/US@EPA  
Subject water supply rumblings

Art:

Below is an excerpt from an internal KDHE e-mail with our staff passing along a "heads up". FYI  
Karl

*I was visiting with a consultant on the telephone this morning regarding our Directive issued to Kirwin for nitrate MCL violations and the requirement of a feasibility study. He informed me that the city of Pretty Prairie had sent letters to Kirwin, Green, Haviland, Everest, Norwich, Argonia (small community nitrate MCL violators) trying to arrange a meeting. Supposedly this meeting is being held Monday, March 10, 2008 in Salina. As I understand, these small communities are holding a meeting as a first action to begin fighting KDHE and EPA on the nitrate MCL of 10 ppm and more specifically the ability to use bottled water. You may have already heard this, but if not .... thought you should know.*



{In Archive} Fw: Re: Fw: water supply rumblings  
Mary Mindrup  
to:  
William Spratlin, Betty Berry, Diane Huffman  
03/06/2008 07:53 PM  
Hide Details  
From: Mary Mindrup/R7/USEPA/US

To: William Spratlin/R7/USEPA/US@EPA, Betty Berry/R7/USEPA/US@EPA, Diane Huffman/R7/USEPA/US@EPA

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Archive: This message is being viewed in an archive.  
Information from KRWA.

Thanks  
Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
[Mindrup.Mary@EPA.GOV](mailto:Mindrup.Mary@EPA.GOV)

-----Forwarded by Mary Mindrup/R7/USEPA/US on 03/06/2008 07:58PM -----

To: Mary Mindrup/R7/USEPA/US@EPA  
From: Monica Wurtz/R7/USEPA/US  
Date: 03/06/2008 04:47PM  
cc: Ken Deason/R7/USEPA/US@EPA  
Subject: Re: Fw: water supply rumblings

Mary,

This afternoon I called Jim Jackson, Kansas RWA, to ask for KRWA's position on the use of bottled water to achieve compliance. Jim called Elmer Ronnebaum (KRWA's general manager) and Jim returned my call with the message that KRWA believes it is not feasible to provide bottled water as a permanent source of drinking water. Basically, KRWA agrees that bottled water should only be provided as a temporary solution.

Elmer also told Jim that when Pretty Prairie was installing their new well, they did not consult with any specialists to find a location for the best source of water possible. They chose an area (in a wheat field) just because it was an easy option (someone had a connection).

Monica Wurtz, Environmental Scientist  
US Environmental Protection Agency  
Water, Wetlands & Pesticide Division  
Drinking Water Management Branch  
901 N. 5th Street

Kansas City, KS 66101

(913) 551-7868

☐ Mary Mindrup/R7/USEPA/US

**Mary  
Mindrup/R7/USEPA/US**

To: Ken Deason/R7/USEPA/US@EPA, Monica

Wurtz/R7/USEPA/US@EPA

cc: Diane Huffman/R7/USEPA/US@EPA

Subject: Fw: water supply rumblings

03/06/2008 08:40 AM

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Thanks,

Mary A. T. Mindrup

Chief, Drinking Water Management Branch

(913) 551-7431

Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 03/06/2008 08:38 AM -----

**William  
Spratlin/R7/USEPA/US**

To: Huffman.diane@epa.gov, mindrup.mary@epa.gov

cc

Subject: Fw: water supply rumblings

03/06/2008 07:14 AM

Lets discuss when both of you have a chance.

William A. Spratlin, Director

Water, Wetlands and Pesticides Division

EPA Region 7

913-551-7401

spratlin.william@epa.gov

----- Forwarded by William Spratlin/R7/USEPA/US on 03/06/2008 07:14 AM -----

**KMuelden@kdhe.state.ks.us**

To: William Spratlin/R7/USEPA/US@EPA

ccdwaldo@kdhe.state.ks.us, Mary

Mindrup/R7/USEPA/US@EPA

03/05/2008 05:01 PM

Subject: water supply rumblings

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{In Archive} FYI: Fw: water supply rumblings  
Diane Huffman to: Kimberly Harbour, Stacie Tucker

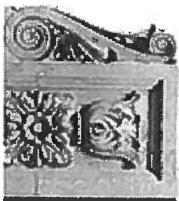
03/07/2008 08:33 AM

Archive:

This message is being viewed in an archive.

Diane L. Huffman  
Branch Chief  
Water Enforcement Branch  
WWPD/WENF  
EPA Region 7  
901 N. 5th Street  
Kansas City, KS 66101  
Ph: 913-551-7544, Fax: 913-551-7765

----- Forwarded by Diane Huffman/R7/USEPA/US on 03/07/2008 08:33 AM -----



Mary Mindrup/R7/USEPA/US

03/06/2008 08:38 AM

To Monica Wurtz/R7/USEPA/US@EPA, Ken  
Deason/R7/USEPA/US@EPA  
cc Diane Huffman/R7/USEPA/US@EPA

Subject Fw: water supply rumblings

I will be forwarding another e-mail from Art. I spoke with Art this morning and he would like DRWM and WENF to strategize so that we are ready for this "fight".

Thanks,

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 03/06/2008 08:37 AM -----



KMuelden@kdhe.state.ks.us

03/05/2008 05:01 PM

To William Spratlin/R7/USEPA/US@EPA

cc dwaldo@kdhe.state.ks.us, Mary  
Mindrup/R7/USEPA/US@EPA

Subject water supply rumblings

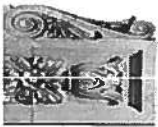
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Mary Mindrup to: Monica Wurtz, Ken Deason  
Cc: Diane Huffman

03/06/2008 08:38 AM

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

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Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 03/06/2008 08:37 AM -----



KMuelden@kdhe.state.ks.us

03/05/2008 05:01 PM

To William Spratlin/R7/USEPA/US@EPA

cc dwaldo@kdhe.state.ks.us, Mary  
Mindrup/R7/USEPA/US@EPA

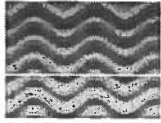
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{In Archive} Re: 1990 Nitrate Proposal 

Rochelle Gibson to: Chris Dudding

Cc: Diane Huffman, Kimberly Harbour

08/20/2007 08:34 AM

Archive:

This message is being viewed in an archive.

I only have a draft of the Order for Pretty Prairie which required the system to implement a wellhead protection program.

Bottom line: Does EPA water enforcement support wellhead protection as a means to achieve compliance?

Chris Dudding/CNSL/R7/USEPA/US




Chris  
Dudding/CNSL/R7/USEPA/US

08/15/2007 03:06 PM

To Kimberly Harbour/R7/USEPA/US@EPA

cc Diane Huffman/WWPD/R7/USEPA/US@EPA, Rochelle  
Gibson/R7/USEPA/US@EPA

Subject Re: 1990 Nitrate Proposal 

"We are waiting 3 years to determine whether wellhead protection works as a means of returning systems of compliance in NE. "

Thanks for that clarification. Is this consistent with our enforcement strategy in KS? Is Pretty Prairie using wellhead protection as a tool for returning to compliance? Is the state monitoring to ensure protection is in place? If Pretty Prairie's approach differs from how NE systems are implementing wellhead protection, could they propose changing their practices as a compliance step?

Chris R. Dudding  
Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
901 North 5th Street  
Kansas City, Kansas 66101  
913-551-7524  
Facsimile 913-551-9524 or 7925  
dudding.chris@epa.gov  
Kimberly Harbour/R7/USEPA/US




Kimberly  
Harbour/R7/USEPA/US

08/15/2007 12:57 PM

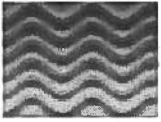
To Rochelle Gibson/R7/USEPA/US@EPA

cc Chris Dudding/CNSL/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA


Subject Re: 1990 Nitrate Proposal 

We are waiting 3 years to determine whether wellhead protection works as a means of returning systems of compliance in NE. This document has not been mentioned by our states in the past 4 years of discussion regarding nitrates, so I don't think it's an issue. But maybe this is not what you were asking originally when you said you wanted to discuss the document?

Rochelle Gibson/R7/USEPA/US

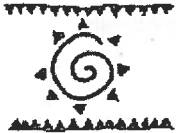


Rochelle  
Gibson/R7/USEPA/US  
08/15/2007 12:49 PM


To Kimberly Harbour/R7/USEPA/US@EPA  
cc Chris Dudding/CNSL/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA  
Subject Re: 1990 Nitrate Proposal 

Perhaps I do not understand the plan in NE. Could you explain further? How does the plan return systems to compliance in a timely manner?

Kimberly Harbour/R7/USEPA/US



Kimberly  
Harbour/R7/USEPA/US  
08/15/2007 10:57 AM

To Rochelle Gibson/R7/USEPA/US@EPA  
cc Chris Dudding/CNSL/R7/USEPA/US@EPA, Diane  
Huffman/WWPD/R7/USEPA/US@EPA  
Subject Re: 1990 Nitrate Proposal 

This was the basis for the N Strategy terms. Since we addressed the N Strategy, and have a plan in NE, it would appear that this proposal is no longer in effect.

Rochelle Gibson/R7/USEPA/US



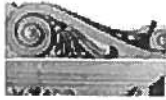
Rochelle  
Gibson/R7/USEPA/US  
08/15/2007 10:50 AM

To Diane Huffman/WWPD/R7/USEPA/US@EPA, Chris  
Dudding/CNSL/R7/USEPA/US@EPA  
cc Kimberly Harbour/WWPD/R7/USEPA/US@EPA  
Subject 1990 Nitrate Proposal

I found this document Monday. Perhaps we could discuss if this regional proposal is still effective?



1990 Nitrate Proposal.pdf



{In Archive} Fw: Reporter's Inquiry  
Diane Huffman to: Rochelle Gibson

08/13/2007 12:41 PM

Archive:

This message is being viewed in an archive.

FYI - you will be the spokesperson for this issue. So be ready!!

Diane L. Huffman  
Branch Chief  
Water Enforcement Branch  
WWPD/WENF  
EPA Region 7  
901 N. 5th Street  
Kansas City, KS 66101  
Ph: 913-551-7544, Fax: 913-551-7765

----- Forwarded by Diane Huffman/R7/USEPA/US on 08/13/2007 12:40 PM -----



DWaldo@kdhe.state.ks.us

08/13/2007 12:14 PM

To Diane Huffman/R7/USEPA/US@EPA

cc

Subject Reporter's Inquiry

Diane-you might receive a phone call from a Ninnescah Valley News reporter asking about EPA's decision to no longer allow Kansas water systems with nitrates marginally over the MCL to manage the public health risk with bottled water and education. The inquiry is apparently related to our recent letter to Pretty Prairie directing a study to determine costs to comply.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509





{In Archive} Reporter's Inquiry

DWaldo

to:

Diane Huffman

08/13/2007 12:12 PM

Hide Details

From: DWaldo@kdhe.state.ks.us

To: Diane Huffman/R7/USEPA/US@EPA

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

Diane-you might receive a phone call from a Ninnescah Valley News reporter asking about EPA's decision to no longer allow Kansas water systems with nitrates marginally over the MCL to manage the public health risk with bottled water and education. The inquiry is apparently related to our recent letter to Pretty Prairie directing a study to determine costs to comply.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509





History of Pretty Prairie Public Water Supply  
Pretty Prairie, Kansas

Population 600

1979 – 1993 – SDWIS data indicates nitrate levels varying between 13 – 25 mg/L.

January 1994 – EPA issues an Administrative Compliance Order

June 1994 – An Amended Administrative Compliance Order on Consent is issued by EPA requiring Pretty Prairie to achieve compliance with the MCL for nitrate.

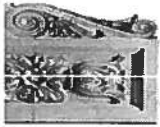
June 1995 – The city chose to drill new well(s) and achieves compliance

1996 - current – SDWIS data indicates that nitrate exceedances. Levels range from 11 to 14.

August 1996 – KDHE issued a Consent Order. EPA does not currently have a copy of the executed Order, but a draft indicates that the Order commits the city to participate in the Kansas Wellhead Protection Program, and contains elements of the Kansas Nitrate Compliance Strategy. Additional, a KDHE letter indicates that EPA agreed to drop its Administrative Order to Pretty Prairie after the KDHE Consent Order is executed.

March 1997 – KDHE/EPA execute the Kansas Nitrate Strategy.





{In Archive} KDHE update with Pretty Prairie -  
 Mary Mindrup to: William Spratlin, Betty Berry  
 Cc: Diane Huffman

08/15/2007 11:03 AM

Archive:

This message is being viewed in an archive.

Mary A. T. Mindrup  
 Chief, Drinking Water Management Branch  
 (913)551-7431  
 Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 08/15/2007 11:01 AM -----



DWaldo@kdhe.state.ks.us

08/15/2007 10:57 AM

To Neftali Hernandez-Santiago/R7/USEPA/US@EPA

cc DClair@kdhe.state.ks.us, DPlummer@kdhe.state.ks.us,  
 Rochelle Gibson/R7/USEPA/US@EPA, Mary  
 Mindrup/R7/USEPA/US@EPA

Subject Re: Fw: OPA Daily Digest, 8/14/07

As far as we're concerned, nothing changed. Our directive, which replaced the expired consent agreement, requires provision of bottled water for nursing mothers, pregnant women, and for infants less than six months of age.

David F. Waldo, PE  
 Bureau of Water-Public Water Supply  
 Kansas Department of Health & Environment  
 1000 SW Jackson, Suite 420  
 Topeka KS 66612-1367  
 Phone 785 296 5503  
 Fax 785 296 5509

Hernandez-Santiago.Neftali@epamail.epa.gov

08/15/2007 08:58 AM

To DWaldo@kdhe.state.ks.us

cc DClair@kdhe.state.ks.us, DPlummer@kdhe.state.ks.us,

Mindrup.Mary@epamail.epa.gov, Gibson.Rochelle@epamail.epa.gov

Subject Re: Fw: OPA Daily Digest, 8/14/07

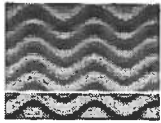
Dave,

I'll get more information about the source of this "clip" / "article"

later in the day. In the meantime, I would like to know what Pretty Prairie is doing (and will continue to do ) to protect sensitive populations such as children less than 6 months old until the system provides water under the MCL for Nitrates.

Thank you,

Neftali Hernandez-Santiago,  
US Environmental Protection Agency  
Water, Wetlands, & Pesticides Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
Office (913) 551 - 7036  
Fax (913) 551 - 9036



{In Archive} Daily Digest - media inquiry

Rochelle Gibson to: Kimberly Harbour, Neftali  
Hernandez-Santiago

08/14/2007 05:16 PM

Cc: Diane Huffman, Mary Mindrup

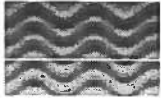
Archive: This message is being viewed in an archive.

**Ninnescah Valley News** - Tim Stucky - 8/14/07: The reporter inquired about EPA's decision to discontinue the use of bottled water in Pretty Prairie, Kan. EPA allowed the use of bottled water to protect public health, particularly infants from health issues associated with nitrate in drinking water. Contact: Kris Lancaster, 7557 (open)

I have responded to this inquiry, it is now closed. Our position is that providing bottled water to infants was allowed as a temporary measure in order to afford the water system additional time to implement actions/measures to achieve compliance. Now it is time for the water system to find a permanent solution to the nitrate exceedances.

Apparently the inquiry was generated because KDHE informed Pretty Prairie that the nitrate strategy was no longer in place.





{In Archive} Fw: Capturing your interview  
Rochelle Gibson to: Diane Huffman

08/14/2007 03:38 PM

Archive: This message is being viewed in an archive.

Diane - The press inquiry regarding nitrate issues at Pretty Prairie Kansas has been closed. A return call to the reporter, Tim Stucky, was placed this afternoon in order to provide him contact information to address his remaining questions.

Is there anything further I need to do regarding this inquiry?

----- Forwarded by Rochelle Gibson/R7/USEPA/US on 08/14/2007 03:34 PM -----

Kris Lancaster/R7/USEPA/US

To Rochelle Gibson/R7/USEPA/US@EPA

08/14/2007 02:51 PM

cc

Subject Capturing your interview

Hello Rochelle,

After 21 years of public affairs employment, I have an ear for the "right" responses to reporter inquiries. You were succinct and responsive!

The reporter has extensive knowledge of this issue.

A couple of questions left unanswered are as follows:

How many cases in Kansas and nationally the past five years?

Is it a serious health risk?

Some of your quotes were as follows:

I believe it would be a decision by KDHE.

KDHE and EPA could take an enforcement action to require the City to comply with the regulations and fines could be a possibility.

The bottled water was a temporary solution and now is the time for a more permanent solution.

**Kris Lancaster**

Public Affairs Specialist

OPA, 5111A

U.S. Environmental Protection Agency

901 N. 5th Street

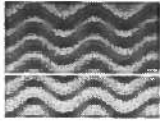
Kansas City, Kansas 66101


(913)551-7557

lancaster.kris@epa.gov







{In Archive} Re: Fw: OPA Daily Digest, 8/14/07   
Rochelle Gibson to: Neftali Hernandez-Santiago  
Cc: DClair, DPlummer, DWaldo, Mary Mindrup, Diane Huffman

08/15/2007 09:48 AM

Archive:

This message is being viewed in an archive.

Ninnescah Valley News - Tim Stucky - 8/14/07: The reporter inquired about EPA's decision to discontinue the use of bottled water in Pretty Prairie, Kan. EPA allowed the use of bottled water to protect public health, particularly infants from health issues associated with nitrate in drinking water. Contact: Kris Lancaster, 7557 (open)

I talked with this reporter yesterday. The above statement is simply a summarization of what the reporter was inquiring about for inclusion in the Daily Digest. It is not a news clip, article or anything of the nature. It is out of context, however it is accurate as to the reporters initial inquiry. More specifically, the inquiry was about EPA's decision to discontinue use of the Kansas Nitrate Strategy. It was not stated, nor implied, by the reporter, or EPA that bottled water would no longer be available through the water system. Rather, the provision of bottled water would not suffice as a long term or permanent solution to the nitrate exceedances experienced by the water system. Although not stated in the interview, EPA would expect bottled water to be provided by the water system until the water system achieves compliance with the SDWA regulations.

The reporter indicated the article was to be released on Friday. This is a weekly paper, no URL. He stated he would send us a copy of the article.

Neftali Hernandez-Santiago/R7/USEPA/US



Neftali  
Hernandez-Santiago/R7/USE  
PA/US

08/15/2007 08:58 AM

To DWaldo@kdhe.state.ks.us

cc DClair@kdhe.state.ks.us, DPlummer@kdhe.state.ks.us,  
Mary Mindrup/R7/USEPA/US@EPA, Rochelle  
Gibson/R7/USEPA/US@EPA

Subject Re: Fw: OPA Daily Digest, 8/14/07 

Dave,

I'll get more information about the source of this "clip" / "article" later in the day. In the meantime, I would like to know what Pretty Prairie is doing (and will continue to do ) to protect sensitive populations such as children less than 6 months old until the system provides water under the MCL for Nitrates.

Thank you,

Neftali Hernandez-Santiago,  
US Environmental Protection Agency  
Water, Wetlands, & Pesticides Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
Office (913) 551 - 7036  
Fax (913) 551 - 9036  
DWaldo@kdhe.state.ks.us



DWaldo@kdhe.state.ks.us  
08/14/07 05:16 PM

To Neftali Hernandez-Santiago/R7/USEPA/US@EPA  
cc DClair@kdhe.state.ks.us, DPlummer@kdhe.state.ks.us  
Subject Re: Fw: OPA Daily Digest, 8/14/07

?? Not sure what this is. Is it a clip from a news article? Is the EPA PIO passing along the issue? Tim Stucky talked to us yesterday and is doing a story on Pretty Prairie nitrates. He understands EPA pulled the plug on the approach used under the Kansas Nitrate Strategy. We referred him to Diane Huffman to speak for EPA.

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509

Hernandez-Santiago.Neftali@epamail.epa.gov

08/14/2007 04:51 PM

To DWaldo@kdhe.state.ks.us  
cc DPlummer@kdhe.state.ks.us, DClair@kdhe.state.ks.us  
Subject Fw: OPA Daily Digest, 8/14/07

Dave,

I think the statement below is totally out of context. I'll expect Pretty Prairie to continue the provision of bottled water to infants less than 6 months old and to issue public notification every month until the system provides water under the MCL for Nitrates. Am I correct?

Neftali Hernandez-Santiago,  
US Environmental Protection Agency  
Water, Wetlands, & Pesticides Division  
Drinking Water Management Branch  
901 N. 5th Street  
Kansas City, KS 66101  
Office (913) 551 - 7036  
Fax (913) 551 - 9036

----- Forwarded by Neftali Hernandez-Santiago/R7/USEPA/US on 08/14/07  
04:49 PM -----

Kimberly  
Harbour/R7/USEPA  
/US

08/14/07 04:33  
PM

To  
Neftali  
Hernandez-Santiago/R7/USEPA/US@EP  
A, Rochelle  
Gibson/R7/USEPA/US@EPA

CC  
Diane Huffman/R7/USEPA/US@EPA

Subject  
Re: Fw: OPA Daily Digest, 8/14/07  
(Document link: Neftali  
Hernandez-Santiago)

Did either of you get an inquiry regarding this? Do you have any more  
details on where it originated from?

Ninnescah Valley News - Tim Stucky - 8/14/07: The reporter inquired  
about EPA's decision to discontinue the use of bottled water in Pretty  
Prairie, Kan. EPA allowed the use of bottled water to protect public  
health, particularly infants from health issues associated with nitrate  
in drinking water. Contact: Kris Lancaster, 7557 (open)

Julia  
Cacho/R7/USEPA/U  
S

08/14/2007 04:18  
PM

R7 WWPDP

To

cc

Subject  
Fw: OPA Daily Digest, 8/14/07

Julia A. Cacho  
Executive Office Manager  
Water, Wetlands and Pesticides Division  
US EPA - Region 7  
Phone: (913) 551-7071  
E-mail: [cacho.julia@epa.gov](mailto:cacho.julia@epa.gov)

----- Forwarded by Julia Cacho/R7/USEPA/US on 08/14/2007 04:18 PM -----

Hattie  
Thomas/R7/USEPA/  
US

08/14/2007 04:14  
PM

To  
John Askew/RGAD/R7/USEPA/US@EPA  
cc

Subject  
OPA Daily Digest, 8/14/07

OPA Daily Digest for 8/14/07

Congressional Inquiries:

None

Press Inquiries:

Southeast Missourian (Cape Girardeau, Mo.) - Bridget DiCosmo - 8/13/07 - Had questions about EPA's EJ grant award to Pendermon, Mo. Referred the reporter to LaTonya Sanders who was at the award event. Debbie Bishop talked to the reporter. Contact: Kim Olson, 7458 (closed)

Ninnescah Valley News - Tim Stucky - 8/14/07: The reporter inquired about EPA's decision to discontinue the use of bottled water in Pretty Prairie, Kan. EPA allowed the use of bottled water to protect public health, particularly infants from health issues associated with nitrate in drinking water. Contact: Kris Lancaster, 7557 (open)

Environmental Stories:

Des Moines Register - Chariton water now safe to drink - 8/14/07 - The Iowa Department of Natural Resources lifted a boil order for Chariton residents Tuesday at 10:30 a.m. after laboratory results indicated the water is safe to drink. The boil order has been in effect since Thursday afternoon after high levels of turbidity, low chlorine residuals and elevated bacteria levels were found in routine water testing.  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070814/NEWS/70814031/1001>

Des Moines Register - 3 fish kills reported, checked in western Iowa - 8/14/07 - State environmental officials are investigating three fish kills in western Iowa Monday. On Sunday, a citizen reported a red coloration in a Buena Vista County stream. Investigators observed at least a hundred dead suckers along the unnamed tributary of the Raccoon River on Monday. The state also is investigating a fish kill in a private farm pond east of Exira in Audubon County. were observed and likely had been dead for a few days. A fish kill in Mill Creek near Larrabee in Cherokee County was investigated this weekend.  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070814/NEWS/70814004/1001/NEWS>

Des Moines Register - Clinton corn plant sends process water into river

- 8/14/07 - Failed pumps at a Clinton corn processing facility led to the plant's collection tanks overflowing, resulting in the plant discharging approximately 90,000 gallons of process water into the Mississippi River Saturday morning.  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070814/NEWS/70814010/1001/NEWS>

Des Moines Register - Cities must do more to slow storm runoff - All Iowans have role in water cleanup (Editorial) - 8/14/07 - Iowa's drive to clean up its lakes, rivers and streams has focused mostly on agriculture, a reflection of the dominance of farming on the Iowa landscape. But increasing urbanization means that cities large and small are contributing to dirty water, too, and they must step up their efforts to change that.  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070814/OPINION03/708140345/1110>

Des Moines Register - Drawbacks to coal-fired plant ignored (Opinion) - 8/14/07 - Alliant Energy company has proposed building a 600-plus-megawatt coal-fired plant in Marshalltown. Neither Alliant, the economic development committee nor the city council have addressed the serious environmental and health risks to the city, the area and the planet that come with coal-fired electric plants.  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070814/OPINION04/708140349/1035/OPINION>

Southeast Missourian - Mo. town gets EPA grant to solve waste problem - 8/14/07 - The residents of Pendermon, Mo., are about to get a little greener, thanks to a \$50,000 check the village received from the Environmental Protection Agency. The Stoddard County Development Foundation will use the money to "reduce the incidence and spread of diseases and conditions" in Pendermon, said a news release from the EPA. The money is part of an environmental justice grant program, said EPA spokeswoman Debbie Bishop.  
<http://www.semissourian.com/story/1246285.html>

Lake Sun Leader (Lake Ozark, Mo.) - Staff director endorses quarry plan - 8/14/07 - The proposed quarry has drawn fire from nearby landowners as well as Lake Ozark and Osage Beach city officials. Landowners are worried about the negative impact of the quarry on their neighborhood. They say it is an environmental risk and it will increase the noise, dust and traffic in their area.  
<http://www.lakesunleader.com/articles/2007/08/14/news/03.txt>

Kansas City Star - Council members question storm sewer planning amendment - 8/13/07 - At issue is a \$6.9 million amendment to a Burns & McDonnell Engineering contract to develop a long-term plan for replacing the city's aging sewer and storm sewer systems. Nearly 25 percent of the proposed spending involves "public participation" in which Astra Communications, Shockey Consulting Services and Vista Communications are to educate the public about what will ultimately be a 20-year, multibillion-dollar project.  
<http://www.kansascity.com/115/story/229383.html>

Kansas City Star - Companies plan fuel-from-coal plants - 8/14/07 - While the energy industry has been focused on alternative fuels and new sources of oil, the coal industry is going forward with plants to turn coal into liquid fuels such as diesel and gasoline. Supporters say at least some plans are a certainty, even if Congress doesn't approve incentives sought by coal-to-liquids supporters. But they argue some form of subsidy is vital to build enough plants to dent the nation's

reliance on foreign oil.

<http://www.kansascity.com/438/story/230980.html>

Kansas City Star - More businesses gear products, services to environmental concerns - 8/13/07 - Green has quite a golden glow these days. Amid pervasive talk of global warming and other environmental concerns, many consumers are in the market - and even willing to pay a premium - for hybrid cars, energy-efficient appliances, organic food, natural beauty products and more.

<http://www.kansascity.com/business/local/story/230272.html>

Kansas City Star - Janitorial supplier Watco Resources focuses on environmental safety - 8/13/07 - The green movement represents an opportunity for many established businesses. That's the case for Watco Resources Inc., a wholesale distributor of janitorial supplies and equipment to schools, hospitals and manufacturing facilities, among others.

<http://www.kansascity.com/business/story/230275.html>

Springfield News-Leader - Indoor air quality can always be improved - 8/13/07 - Question and answer with this week's expert: Randall Maley, environmental public health specialist with the Bureau of Environmental Epidemiology, Missouri Department of Health and Senior Services.

<http://www.news-leader.com/apps/pbcs.dll/article?AID=2007708130321>

St. Louis Post-Dispatch - City gets first platinum-certified green building - 8/14/07 -

Two years ago, the old bathhouse at 21 O'Fallon Street stood in disrepair, a silent reminder to a time when the area just north of downtown St. Louis bustled with commerce. A spring that once supplied water to the building long had been capped and most of the 5,200 square-foot structure was left unused. But after an ambitious rehabilitation project, the site now exemplifies the highest standards in green building.

<http://www.stltoday.com/stltoday/business/stories.nsf/story/0E524434867C6DFA862573370009D31F?OpenDocument>

#### Press Releases

EPA Stops Illegal Waste Handling Activities at Additional HPI Products Locations - 8/14/07 - Contact: Dale Armstrong, 7136

#### Fact Sheets

None

Upcoming Administrator/RA Events (next 30 days):

\* New additions noted with an asterisk

8/15/07 - Federal Executive Board Executive Forum, Branson, Mo.  
Contact: Martha Cuppy, 7799

8/17/07 - Iowa State Fair, Des Moines, 10:30-noon. RA to tour booths with Karey Claghorn, Iowa deputy secretary of agriculture, and Rich Leopold, director of the Iowa Department of Natural Resources. Contact: Chrissy Wolfersberger, 7864

8/17/07 - Upper Mississippi Water Quality Discussion, 12:30-2:15, Iowa Soybean Association offices, Des Moines. RA to lead discussion on how to expand efforts to improve water quality in the Upper Mississippi. Contact: Chrissy Wolfersberger, 7864

8/30/07 - Visit from Jim Gulliford, AA for OPPTS, Region 7 office.

9/9-13/07 - Shadowcliff Workshop: Climate Change and the Built Environment, Grand Lake, Colo., RA to attend. Contact: Chrissy Wolfersberger, 7864

\* 9/14/07 - Tour of Environmental Finance Center (EFC) at Boise State University, Boise, Ida. Contact: Chrissy Wolfersberger, 7864

#### Other Events

#### ARTD

8/15/07 - Performance Track Recruitment Workshop, Wichita, Kan. Contact: Ruben McCullers, 7455

8/15-16/07 - CAIR/CAMR Implementation Workshop. The purpose is to provide an opportunity to discuss implementation issues surrounding CAIR and CAMR. Participants will include state and local permitting authorities and affected sources. Region 7 offices. Contact: Mike Jay, 7460

8/18/07 - Radio Disney's Summer Tour will visit the Towne Center East Mall in Wichita, Kan. to entertain and encourage kids to adopt and maintain healthy lifestyles including asthma management. Contact: Vickie Angell, 7269

8/21/07 - Solid Waste Advisory Committee of the Prairie Band Potawatomi Nation, Mayetta, Kan. Contact: Marcus Rivas, 7669

8/22-23/07 - STOP staff will participate in the Kansas Environmental Conference, Hutchinson, Kan., and give a presentation on the updated SPCC regulations. Contact: Ward Burns, 7960

8/28-30/07 - Kansas Environmental Conference, Hutchinson, Kan. Contact: Chet McLaughlin, 7666

August - Planning is progressing for the Spill Prevention, Control, and Countermeasure (SPCC) Satellite broadcast training session for the regulated community. Broadcast date is projected for Thursday, Nov. 15, 2007. Contacts: Ward Burns, 7960, and Paula Higbee, 7028

August - Outreach meeting in Walthill, Neb., to inform Omaha Tribal Council and Walthill City Council on the closure status of the Urbanec Services facility. Coordinated by STOP branch. Contact: Victoria Matthews, 7353

August - Petey Tanks presentation is available for outreach events and distribution to those interested in tank safety. Contact: Janet Hallier, 7532

#### SUPR

8/14 - 9/12/07 - Brownfields Assessment, Revolving Loan Fund, and Cleanup outreach workshops in Kansas City, Mo., Olathe, Kan., Des Moines, Iowa and Salina, Kan. Workshops are hosted by Region 7 to educate and encourage communities to apply for Brownfields funding during the competition process. Contact: Alma Moreno-Lahm, 7380

8/17-18/07 - Region 7 LEPC/TERC conference, Kansas City, Mo. Emergency

responders and management personnel from R7 and nationwide attend this biennial conference, a forum for experts on response, planning, and preparedness topics. Debbie Dietrich, OSWER, is expected to speak. Conference is led by Superfund and ARTD with other federal, state, and local agencies supporting. Contact: Randy Schademann, 7331

8/27-31/07 - Region 7, the Northeast-Midwest Institute and Great Lakes Environmental Planning are hosting the Nuts & Bolts of Redeveloping Brownfields (and other contaminated properties) for local government. The course will be held at the Discovery Center, 4750 Troost Avenue in Kansas City, Mo. Contact: David Doyle, x7667 or Brad Vann, x7611.

9/4-6/07 - Core Emergency Response (ER) evaluation, Regional Office. Representatives of OSWER/OEM and backup R6 will be in Region to evaluate against new Core ER standards. Superfund will prepare over the next few months. Contact: Janice Kroone, 7005

#### WWPD

8/13-15/07 - Underground Injection Control Program Review for MDNR, Rolla, Mo. Contact: Pat Costello, 7939

8/15/07 - Training for small drinking water systems on LT2 and DBP2 rules, Topeka, Kan. Contact: Monica Wurtz, 7868

8/22/07 - Training for small drinking water systems on LT2 and DBP2 rules, Ulysses, Kan. Contact: Monica Wurtz, 7868

8/28/07 - Training for small drinking water systems on LT2 and DBP2 rules, Beloit, Kan. Contact: Monica Wurtz, 7868

9/11-12/07 - Seminar with the Missouri Rural Water Association, West Plains, Mo. EPA will be providing information on new drinking water regulations. Contact: Doug Brune, 7178

9/13-14/07 - Training for small drinking water systems on LT2 and DBP2 rules, West Plains, Mo. Contact: Doug Brune, 7178

Hattie L. Thomas  
Deputy Director  
Office of Public Affairs  
EPA Region 7  
901 N. Fifth Street  
Kansas City, KS 66101

Ph: 913-551-7762, Fax: 913-551-7066



{In Archive} Pretty Prairie history

Scott Marquess to: Diane Huffman

05/22/2012 05:38 PM

Archive: This message is being viewed in an archive.

Diane,

Attached is what appears to be the consummate summary of the history of PP. Some other info in response to your questions:

- It was the "KS Nitrate Strategy", signed by KDHE 3/25/97, undated signature by EPA (G. Hutton)
- EPA letter to KDHE 7/18/06 said, "in the best interest to discontinue use of the Strategy";
- EPA Order and Amended Order to PP June 1994
- PP drilled new well,; achieved compliance w/ Nitrate MCL June 1995
- EPA closed Order mid-1996
- New PP contaminated (as EPA predicted); PP again non-compliant
- KDHE Consent Order to PP August 1996
- I don't see any references or any correspondence that would constitute a KDHE referral to EPA; KDHE does say something like that in their more recent ETT responses ("KDHE defers the city's request for a meeting to EPA")
- Lots of other good info in the chronology
- Don't think any of this really changes anything in our APE or responses to KDHE comments

Happy to discuss.  
Scott

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 05/22/2012 05:37 PM -----

From: EPA SCANNERS@EPA  
To: Scott Marquess/SUPR/R7/USEPA/US@EPA  
Date: 05/22/2012 05:33 PM  
Subject: Message from 45C-3

---



S-Room3232-12052217010.pdf



## **History of Pretty Prairie Public Water Supply** **Pretty Prairie, Kansas**

### **Background Information:**

**Population:** 600

**Location:** Reno county; about 46 miles west-northwest of Wichita, KS; and located west of the Cheney Reservoir.

### **Pretty Prairie Feasibility Study:**

- **What does the December 7, 2007 feasibility study say?**

- The engineers reviewed the well that Pretty Prairie uses (Well No. 5), and acknowledged that 2 other drinking water wells had been closed for high nitrates.
- The engineers recommended that the city install a treatment plant the costs \$1.2M to achieve the nitrate MCL
- The engineers indicated that installing a treatment plant was not the most cost effective, but would provide Pretty Prairie with the best long-term nitrate treatment solutions.
- Based on the advantages and disadvantages of each treatment alternative reviewed, the engineers recommended that Pretty Prairie construct a central treatment plant and utilize the ion exchange process for nitrate treatment, discussed in Section 4.5 of the feasibility study (also presented in Table 6.1).

- **What are the options?**

- The options reviewed by the engineers, according to the KDHE Directive:
  - Obtaining a new source of raw water
  - Purchase water of acceptable quality from another PWS
  - Treatment options to reduce nitrate, including the feasibility of blending existing sources of water

- **What does the city need to move forward?**

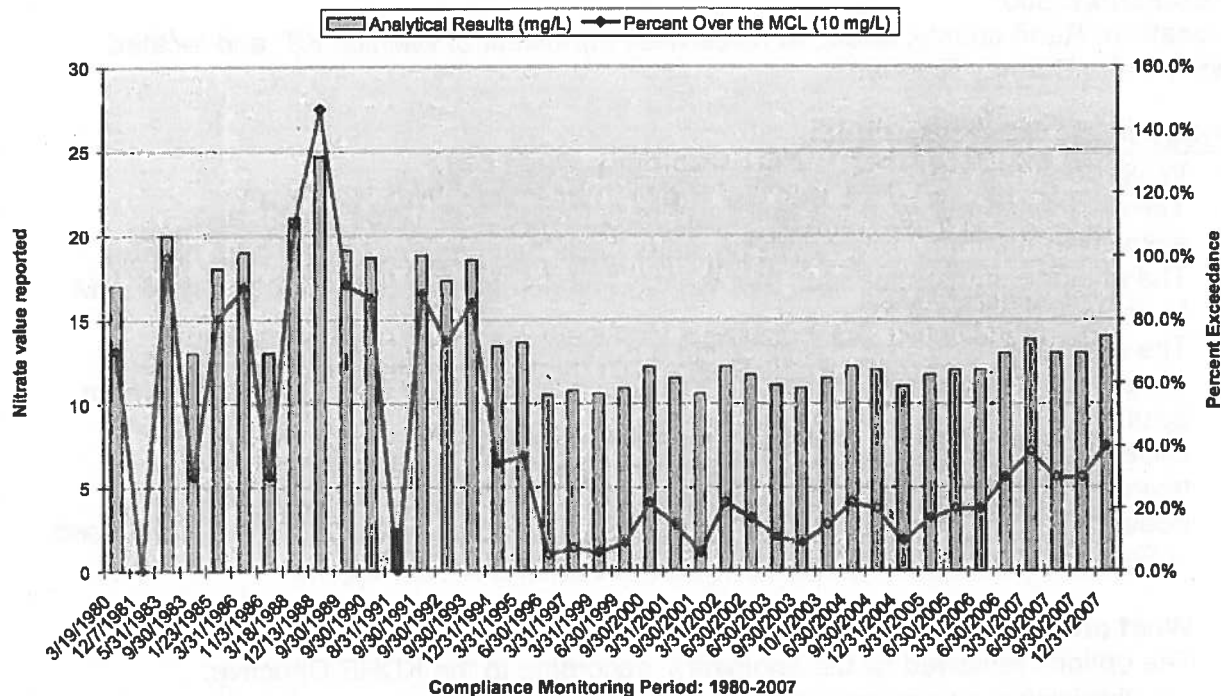
- Pretty Prairie needs to coordinate a course of action with KDHE to meet the nitrate MCL.

- **What is KDHE doing?**

- Monitoring Pretty Prairie violations, and encouraging Pretty Prairie to take action based on the KDHE Directive issued in July 2007
- As of April 30, 2008, KDHE has not placed Pretty Prairie under any kind of schedule
- As of April 30, 2008, KDHE did not indicate when it would provide a compliance schedule with milestone date for Pretty Prairie to implement the feasibility study findings, such as bid contracts, award contracts, or commence construction of the recommended treatment system.

## Chronology of Actions and Violations:

### Summary of Nitrate MCL Violations In Pretty Prairie Public Water System Pretty Prairie, KS



- **1979 - 1993** – SDWIS data indicates nitrate levels varying between 13 – 25 mg/L.
- **1994** – Pretty Prairie constructed new well. Brief return to compliance with nitrate MCL.
- **1996 - 2008** – SDWIS data indicates that Pretty Prairie continued to have nitrate MCL exceedances. Levels range from 11 to 14 mg/L.

**February 1989 - KDHE issued Administrative Order 89-E-10** on 2/13/1989 with a compliance schedule including actions to be taken to meet nitrate MCL.

- Pretty Prairie did not appeal this KDHE Order, so the Order became final.

**October 1990 – KDHE issued Administrative Order 90-E-71** on 10/28/1990 for failure to comply with AO 89-E-10 & pay \$12,675 in penalties.

- Pretty Prairie appealed this KDHE Order before it became final.
- KDHE AO 89-E-10 was incorporated by reference.
- This Order did not become effective, so KDHE and Pretty Prairie entered into enforcement negotiations.

**October 1991 – KDHE and Pretty Prairie entered into Consent Order 91-E-71** on 10/24/1991 for violations.

- Pretty Prairie agreed to comply with nitrate MCL by following compliance schedule & paying \$675 in civil penalties.

- KDHE dismissed the remaining penalty on the condition that Pretty Prairie had to comply with a compliance schedule to RTC with the nitrate MCL.

**January 1994 – EPA issued an Administrative Compliance Order to Pretty Prairie** on January 3, 1994 for violations of the nitrate MCL.

- ACO required Pretty Prairie to take certain scheduled steps to bring its PWS into compliance with the nitrate MCL of 10 mg/L.
  - Advertising for construction bids of necessary improvements to the system,
  - Awarding a contract for construction of improvements, and
  - Completing construction for necessary improvements to the PWS.
- Pretty Prairie only completed the requirement to advertise for construction bids.

**February 1994 – Pretty Prairie filed a Petition** for Review by the Court on February 17, 1994, because EPA and KDHE denied Pretty Prairie's request for an exemption from the nitrate MCL.

**February 1994 – Pretty Prairie filed a Petition** for Review by a different Court on February 17, 1994, challenging the issuance of EPA's ACO.

**March 1994 – Pretty Prairie and EPA held conference calls about Pretty Prairie's strategy to RTC with the nitrate MCL.**

- At the end of March 1994, Pretty Prairie provided EPA additional details of its proposal to develop a new source well with concentrations below nitrate MCL. EPA
- EPA agreed to amend the ACO to extend the deadline for awarding the construction contract until April 11, 1994.

**April 1994 – EPA and Pretty Prairie met and agreed to take a number of actions from April to June 1994.**

- EPA agreed to extend the deadline for Pretty Prairie to award the construction contract for PWS improvements until June 10, 1994.
- Pretty Prairie agreed to provide EPA with additional information about the cost of building a new treatment facility for the PWS
- Pretty Prairie stated its intention to drill a new test well
- Pretty Prairie agreed to analyze the quality of the water and report its findings to EPA by May 25, 1994.
- Meeting scheduled for June 1, 1994 to discuss Pretty Prairie's options for complying with the SDWA.
- EPA began to amend the January 1994 ACO, based on these commitments.

**June 1, 1994 – EPA and Pretty Prairie held a conference call.**

- Pretty Prairie submitted information about its plan to drill a new well.
- EPA advised Pretty Prairie that the likelihood of drilling a new water supply well which could produce water under the nitrate MCL for reasonable period of time appeared low.
- Pretty Prairie identified three possible routes for bringing its PWS back into compliance with the nitrate MCL.

- 1. Drill a new water supply well which can produce water with a nitrate level at or below the 10 mg/L MCL.
- 2. Install an ion exchange water treatment system, based on sodium chloride technology. This approach presented a waste disposal problem of the sodium chloride, but Pretty Prairie had identified a disposal well that can accept the wastes in accordance with the SDWA.
- 3. Install an ion exchange water treatment system based on potassium chloride technology. Relatively new treatment technology, the approach had an advantage because the waste solids could be disposed of in the sewers.
- Pretty Prairie preferred to drill a new well, and had concluded a series of activities to enable the city to determine the viability of that approach.
- Pretty Prairie expected to have sufficient data by August 8, 1994 to commit to implementation of 1 of the 3 approaches discussed above.

**June 1994 – EPA issued an Amended Administrative Compliance Order on Consent Docket VII-93-PWS-04 on June 27, 1994 that required Pretty Prairie to achieve compliance with the nitrate MCL.**

- Pretty Prairie Mayor had to notify EPA by August 8, 1994 what approach the city would take to RTC with the nitrate MCL.
- Pretty Prairie had to achieve compliance with the nitrate MCL by the following dates using the following treatment technologies:
  - November 1, 1994 – if Pretty Prairie drilled a new city water supply well
  - March 1, 1995 – if Pretty Prairie installed a conventional sodium chloride ion exchange water treatment system
  - March 1, 1995 – if Pretty Prairie installed a continuous ion exchange system (potassium chloride) water treatment system
- Pretty Prairie had to continually implement bottled water and public notification programs UNLESS
  - Certified to EPA that sampling November 1994 – January 1995 showed that the nitrate level was consistently below nitrate MCL, OR
  - Certified to EPA that the selected ion exchange treatment system was in operation, and sampling confirmed that the nitrate level was consistently below nitrate MCL

**November 1994 - June 1995 – Pretty Prairie chose to drill a new well to comply with the nitrate MCL.**

- Well No. 5 was constructed and placed into operation for the Pretty Prairie system.
- Pretty Prairie removed Wells No. 3 and 4 from service, and relied entirely on Well No. 5.

**June 1995 – Pretty Prairie's new well achieved compliance with the terms of the EPA Amended ACO.**

- Pretty Prairie achieved compliance with the nitrate MCL for a short time.

**Early to mid-1996 – EPA closed the Consent Order, once Pretty Prairie demonstrated compliance with the nitrate MCL for a three month period.**

- After the Consent Order was closed, Pretty Prairie's new well (Well No. 5) did not maintain compliance with the nitrate MCL, as EPA had suspected and advised in June 1994.

**August 1996 – KDHE issued Consent Order 96-E-0263 to Pretty Prairie.**

- Pretty Prairie expressed interest in proceeding with a wellhead protection plan
- Pretty Prairie did not appeal this KDHE Order, so the Order became final.

**August 1996 –** A KDHE letter to Pretty Prairie indicated that EPA agreed to close its ACO with Pretty Prairie after the KDHE Consent Order is executed.

**October 15, 1996 - KDHE Consent Order 96-E-0263 for Pretty Prairie** became effective and required the following steps towards compliance:

- The Consent Order commits the city to participate in the Kansas Wellhead Protection Program, and
- The Consent Order contains elements of the Kansas Nitrate Compliance Strategy.
- The Order was designed to expire in 7 years, per the then-draft Kansas Nitrate Strategy

**March 1997- KDHE/EPA execute the Kansas Nitrate Strategy**

- Intent was to establish a response procedure to address PWSs with recurring nitrate MCL violations in Kansas.
- Implemented through Admin. Orders to expire 7 years from issuance.
- Options to achieve compliance with the nitrate MCL of 10 mg/L included:
  - Blending
  - New Source
  - Purchase from another PWS
  - Ion exchange
  - Reverse osmosis

**April 2005 – EPA R7 reviewed PWS files at KDHE for FY03 Annual Program Evaluation (APE) during April 20-21, 2005.**

- Pretty Prairie files indicated that the PWS was out of compliance with the 24 hour public notification requirement in 40 CFR 141.202

**February 2007 – KDHE issued a letter to EPA about Nitrate Strategy.**

- KDHE still had Orders in place, and will honor Orders until they expire.
- KDHE identified strategy to resolved systems out of compliance with nitrate MCL
- KDHE agreed to commit to review 2005 and 2006 nitrate results from 6 systems (including Pretty Prairie) for nitrate violations occurring in 2 out of any 3 consecutive quarters.
- KDHE agreed to issue a directive to require systems in violation with nitrate MCL to hire a consulting engineer to prepare an engineering report and cost estimates to RTC with nitrate MCL.
- KDHE agreed to review the engineers' cost estimates with each water system and negotiate a schedule to complete the best option.

**July 20, 2007 – KDHE issued a Directive to Pretty Prairie.** The Directive outlined the following requirements:

- Sample water for nitrate once every 3 months (quarterly)
- If the test results indicate nitrate MCL exceedance at the point of entry, then Pretty Prairie had to do the following:
  - Issue public notice to all customers within 24 hours
  - Provide an alternate source of drinking water free of charge to infants, nursing mothers, and pregnant women
  - If Pretty Prairie chose to use bottled water to meet this requirement, then Pretty Prairie had to obtain certification from the bottled water supplier that the bottled water meets the appropriate US FDA requirements [there are no time restrictions for this choice, contradicting the SDWA]
- Pretty Prairie had to obtain the services of an engineer to prepare a formal feasibility study, including cost estimates to comply with the nitrate MCL
- Pretty Prairie had to submit the Feasibility Study to KDHE by December 20, 2007
- Pretty Prairie and KDHE were to jointly review the results of the study and determine a course of action.
- At a minimum, the feasibility study had to address the following options:
  - Obtaining a new source of raw water
  - Purchase water of acceptable quality from another PWS
  - Treatment options to reduce nitrate, including the feasibility of blending existing sources of water
  - If new source water can be obtained, minimizing the use of, or removing from service, the individual water well causing the violations

**December 7, 2007 – KDHE received the feasibility study results from Pretty Prairie**

**December 2007 – Pretty Prairie met with KDHE to discuss the feasibility study findings and recommendations.**

- KDHE and Pretty Prairie discussed that feasibility study identified treatment options to comply with the nitrate MCL.
- The feasibility study indicated that a \$1.2M treatment plant was the least expensive and most feasible option for compliance with the nitrate MCL.

**January - February 2008 – Pretty Prairie was in the Unaddressed SNC List for 1QtrFY08 (Oct.-Dec. 2007), which is generated from SDWIS.**

- KDHE indicated in its response to EPA that Pretty Prairie's feasibility study identified the \$1.2M treatment plant as the most feasible option for compliance with the nitrate MCL.

**January 11, 2008 – Pretty Prairie article in local newspaper**

- Pretty Prairie spent \$7,500 for a nitrate feasibility study



- 2007 feasibility study provided options starting at \$1.2M
- Pretty Prairie Council discussed the nitrate issue and the feasibility study findings at their regular council meeting on Monday, January 7<sup>th</sup>.
- Pretty Prairie requested justification from KDHE and EPA for the change in the nitrate policy of allowing bottled water after the feasibility study confirmed that a study completed in the mid-1990s indicated that solving the problem with a convention approach would cost the city
- The recommended solution for the study conducted in the mid-1990s was for the city to install a costly ion exchange treatment system. The city would have needed to containerize, and to obtain a solid waste permit from KDHE to get rid of the sodium chloride generated by the ion exchange treatment.
- The city chose not to follow this option in the mid-1990s, partly because KDHE couldn't write a solid waste permit for this situation in advance.

**February 4, 2008 – EPA sent a letter to Pretty Prairie** clarifying that Pretty Prairie could not use bottled water indefinitely.

- EPA's letter clearly stated that according to the SDWA, bottled water was only for use on a temporary basis, and not as a means of treatment to comply with the nitrate MCL.

**February 22, 2008 – Pretty Prairie article in local newspaper**

- Mayor was concerned that EPA's February 2008 letter didn't provide a clear explanation of steps to take, since Pretty Prairie could no longer use bottled water as a substitution for treatment.
- Estimated cost of installing a water treatment system will be \$1.2M.
- Pretty Prairie town residents may have their water rates boosted by at \$16 per month to afford treatment.

**April 16, 2008 – Pretty Prairie sent EPA a letter** inviting the Agency to meet and discuss nitrate issues.

- It appears that Pretty Prairie wants to discuss its practice of using bottled water, and why the Kansas Nitrate Strategy is no longer in effect.
- Pretty Prairie has met with EPA in the past to discuss nitrate MCL violations, and was able to discuss extensions for compliance schedules

**May 16, 2008 – EPA drafted a letter to send to Pretty Prairie**, encouraging Pretty Prairie to cooperate with KDHE and to implement the findings of the feasibility study as the means to achieve compliance with the nitrate MCL.

**May 19, 2008 – Pretty Prairie's current status with KDHE:**

- Pretty Prairie is not currently in the 2QtrFY08 (Jan.-March 2008) Unaddressed SNC List

**FYI:**

**March 3, 2008 – USGS report for *Vulnerability of Recently Recharged Ground Water in the High Plains Aquifer to Nitrate Contamination*:**

- Relative background concentration discussed, starting on page 22
- Parts of Reno County, including Pretty Prairie and the Cheney Reservoir, are identified in several maps indicating contamination occurring in non-irrigated agricultural land originating from non-point sources
- Hydrologists' model maps indicate that Pretty Prairie has a 41-80% probability of background nitrate concentrations greater than 4 mg/L for a regional water table depth of 0-30.5 meters

**Physical / geological:** Reno County has the following characteristics, which surrounds Pretty Prairie, and may influence some of PWS wells:

- Arkansas River Lowlands to the north and west – sand and gravel deposits, irregular hills, and sand dunes
- Wellington and McPherson Lowlands to the southwest and northeast – permeable sand and gravel, and a large quantity of high-quality water in the Equus beds nearby
- Osage Questas underlying Pretty Prairie – hill-plain or broad-terraces, steep eastern slopes, with plentiful limestone supply

{In Archive} Fw: Comments on Draft PWSS Program Review Report

Scott Marquess to: Diane Huffman

04/27/2012 10:19 AM

Archive: This message is being viewed in an archive.

Diane,

I've looked over the comments from KDHE on our APE Rpt. I don't believe that any of the comments on the enforcement topics necessitate significant modifications to the text/report. In fact, I would say there would be few, if any, changes to the enforcement sections.

FYI, one major comment they provide is that they referred Pretty Prairie to us for enforcement and since we didn't take any action, they are less likely to take action on any similar cases.

We probably need to coordinate with DRWM on how best to proceed. I would suggest that we meet with Mary and Doug to discuss. I would recommend that we generate 1) Written responses to each comment, and 2) Proposed modifications to the text to address the comment (where warranted). We could then sit down with KDHE to discuss and hopefully reach agreement on the text to include in the "final" report.

Of course, from an enforcement perspective, the major thing that needs to come from this report is the "Action Plan" we discuss in our transmittal letter to KDHE that outlines what KDHE is going to do to address the findings.

Please let me know if you'd like to discuss.

Thanks  
Scott

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 04/27/2012 09:54 AM -----

From: Darrel Plummer <DPlummer@kdheks.gov>  
To: Doug Brune/R7/USEPA/US@EPA, Scott Marquess/SUPR/R7/USEPA/US@EPA  
Cc: Dan Clair <dclair@kdheks.gov>, Diane Huffman/R7/USEPA/US@EPA, Mary Mindrup/R7/USEPA/US@EPA, Mike Tate <mtate@kdheks.gov>  
Date: 04/26/2012 02:06 PM  
Subject: Comments on Draft PWSS Program Review Report

---

Doug and Scott,  
In the interest of time I am transmitting our comments on the program review unofficially by email. I will follow-up with the official response by cover letter next week that will contain a similar "pdf" document with comments on it.

Thank you for your patience in this review/comment period.

Sincerely,

Darrel R. Plummer  
Chief, Compliance/Data Management  
Kansas Dept. of Health and Environment  
Bureau of Water - Public Water Supply Section  
1000 SW Jackson; Suite 420  
Topeka, KS 66612  
Phone: (785) 296-5523  
Fax: (785) 296-5509



Draft Public Water Supply Supervision Full Program Evaluation Report w comments.pdf

Copied these pages of  
the report that mention  
Pretty Prairie

**Kansas Public Water Supply Supervision  
Full Program Evaluation - Calendar Year 2010**

Surface Water systems have quarterly routine monitoring of once a quarter. Routine monitoring may be reduced to once after four consecutive quarterly samples are reliably and consistently below the MCL. Surface water systems not exceeding the MCL for nitrate are on annual monitoring because historical data has shown that systems are reliably and consistently below the MCL.

Kansas has 27 systems with 62 nitrate MCL violations; this agrees with Federal SDWIS. Six of these systems exceed the MCL every quarter: Everest, Haviland, Norwich, Palmer, Pretty Prairie, and Robinson.

**2) Arsenic**

The 2010 ACR had 26 MCL violations from 7 systems; this agrees with Federal SDWIS. Six of these systems exceed the MCL every quarter: Argonia, Atwood, Buhler, Clayton, Englewood, and Oberlin.

**3) Fluoride**

The 2010 ACR had 4 MCL violations from 1 system: Liebenthal.

**B) Volatile Organic Compounds (VOCs)**

The 2010 ACR has 1 system with VOC M&R violations; Federal SDWIS has 2 systems with 2 VOC M&R violations. Similarly, Federal SDWIS has 42 individual VOC M&R violations from 2 systems; the 2010 ACR has none of these individual VOC violations.

**C) Synthetic Organic Compounds (SOCs)**

Most of the reporting levels from the KHEL for the SOCs are at the Federal Detection Level (DL) required by 141.24(h), except for the four SOCs listed in Table 9.

The EPA Region 7 Drinking Water Lab Assessment Team during the on-site evaluation for chemistry in November 2009 determined that KHEL was able to attain a method detection limit less than the Federal DL for these four SOCs, with the exception of endrin; the attainable MDL is also included in Table 10. The reporting limit for these four SOCs should be changed to the Federal DL, or the Public Water Supply Section should obtain in writing that it will notified by the KHEL if a contaminant is detected above the Federal DL and the below the Reporting level for the contaminants in Table 10. The waiver plan should also include that historical data in the monitoring for endrin has shown it is reliably and consistently below the MCL.

**Table 10 – SOCs with Reporting Levels greater than Federal DLs**

SOCs	MCL (ug/L)	Reporting Level (ug/L)	Federal DL (ug/L)	Attainable Method DL (ug/L)
Endrin	2	.2	.01	.04
Hexachlorocyclopentadiene	50	5	.1	.001
Methoxychlor	40	4	.1	.1
Simazine	4	.4	.07	.01



**Kansas Public Water Supply Supervision  
Full Program Evaluation - Calendar Year 2010**

- Some systems are stagnant, with little progress towards resolving violations (Pretty Prairie, Conway Springs (regionalization), Sumner Co. 5 (regionalization), Mitchell Co. 3 (regionalization))

EPA's conclusion from reviewing these systems is that the informal methods employed in attempting to resolve violations have not been timely nor successful in returning systems to compliance. EPA acknowledges that the nature of the violations and associated corrective actions at many of the non-compliant systems may be technically, financially, or administratively challenging. However, unless formal enforcement actions are implemented, and compliance appropriately monitored and enforced, a full spectrum of enforcement tools has not been utilized to address the violations.

EPA further reviewed information available in SDWIS, including information summarized in the ETT reports that are generated quarterly by EPA and made available to the states, in conducting the evaluation. A summary of that information is provided in Tables 13 and 14 below:

**Table 13 - Kansas Drinking Water Enforcement Actions 2006 – 2010**

Year	Directives/NOVs (SFJ)	BCAs/Consent Orders (SFK)	Administrative Orders with/without Penalty (SFL, SFO)
2006 (per EPA APE report)	24	19	7
2008 (per SDWIS)	16	3	3
2009 (per SDWIS)	0	1	2
2010 (per SDWIS)	3	1	1
2010 (per KDHE)	4	1	3

**Table 14 - Enforcement Activity by Kansas Under the ERP**

ETT Date	# PWS w/ETT >10	# PWS On-Path (ETT = 0)	#PWS RTC (ETT = 0)
January 2010	67	1	13
April 2010	56	3	22
July 2010	46	4	24
October 2010	44	4	30
January 2011	42	6	42
April 2011	27	7	54
July 2011	43	5	50

The tables indicate that KDHE has conducted limited enforcement activity, including the issuance of informal and formal actions, over the past several years. In 2006, as noted in the 2007 APE, KDHE issued 50 enforcement orders (43 informal, 7 formal) to non-compliant systems. That number dwindled to 22 in 2008, 3 in 2009, and 5 in 2010.

Table 14 shows that the number of priority PWSs identified by the ETT since the inception of the ERP in December 2009 was initially reduced by KDHE within the first several months of issuance of the





**Kansas Public Water Supply Supervision  
Full Program Evaluation - Calendar Year 2010**

EPA reviewed a number of Directives issued to various systems, including, Haviland, Everest, Conway Springs, Englewood, Clayton, and Buhler. Some of these Directives are several years old and some have been issued more recently. The general compliance milestone outlined in the Directives is that the PWS was to conduct a Feasibility Study to evaluate options for addressing the underlying causes of their violations. The Directives do not require that the PWS ultimately implement corrective actions to abate their violation(s).

*Recommendations- Effectiveness of Enforcement Part 2*

KDHE should take steps to actively monitor compliance with existing orders. Staff departures have compromised KDHE's compliance monitoring efforts. EPA will be asking KDHE to include status updates of existing compliance orders as a part of our on-going quarterly ERP/ETT updates and discussions.

When compliance deadlines established in orders have lapsed, KDHE should take steps to escalate enforcement. If deadlines lapse in "informal" orders, formal actions should be put in place in a timely manner, consistent with the ERP. If deadlines lapse in formal orders, penalties and other means of escalation should be considered to compel non-compliant systems to return to compliance. A revision to KDHE's PWS Enforcement Policy should be considered to provide guidance on the process of enforcement escalation.

KDHE should re-evaluate the status of the PWSs that are considered subject to open enforcement orders and take additional actions to compel these systems to return to compliance in a timely manner as warranted.

KDHE should take steps to ensure that enforcement orders have well defined, comprehensive, and enforceable work requirements (i.e. deliverables), including specific compliance schedules for completing work and provisions for documenting the completion of enforceable milestones. Orders should ensure that corrective actions required to address all outstanding violations are specified.

KDHE should ensure that deliverables required under enforcement orders are appropriately reviewed, filed, and managed.

EPA believes that the practice of issuing Directives to PWSs requiring the completion of a Feasibility Study is inefficient and ineffective at returning systems to compliance. In such cases, follow up actions or orders are required to implement corrective actions to resolve violations. In general, follow up actions by the PWS have not been taken, nor have orders been issued by KDHE to require appropriate corrective actions. EPA recommends that KDHE discontinue this practice, and focus on issuing formal, comprehensive enforcement orders which require systems to implement corrective actions necessary to return to compliance.

EPA noted that DBP levels in the Longton and Severy PWSs were extremely high (400 ppb or greater). These systems have been out of compliance with the DBP MCLs for a number of years. Actions should be taken to address this non-compliance. As noted previously regarding Pretty Prairie, EPA wishes to work with KDHE to develop a strategy for returning these and similar systems to compliance.

*Areas of Further Consideration*



**Kansas Public Water Supply Supervision  
Full Program Evaluation - Calendar Year 2010  
Appendix H**

**Randomly Selected Systems in Compliance Data Check**

**Community Water Systems**

District	Surface Water	Surface Water Purchasing	Ground Water	Ground Water Purchasing
North West	Norton	Waldo	Norton Correctional Facility	Countryside Estates MHP
North Central	Salina	Jewell	Fort Riley	University Park Water District
North East	Kansas BPU Miami RWD #2 Olathe Water One	Douglas RWD #5 Lansing Correctional Facility Miami RWD #4	Eudora O'Connell Youth Ranch	Reserve Jefferson RWD #14
South West			Dodge City Isabel Kansas Soldiers Home	Larned State Hospital
South Central	Arkansas City Augusta El Dorado Wichita	PWWSD #8 Douglass	North Newton Pretty Prairie	Reno RWD #4
South East	Coffeyville Independence PWWSD #5	Linn RWD #2 Neosho RWD #6 Osage RWD #4	Pittsburg	Cherokee RWD #7

**Non-Community Water Systems**

District	Non-Transient	Transient
North West	KSU Agricultural Research Center	Free Breakfast Inn



KS2012309	J1511	NCD	Mitchell Co RWD 3-Scottsville	2,048	Directive	10/5/2006	TTHM	Purchase water from Mitchell Co RWD 2, which is the source of elevated DBP's.
KS2015501	T4000	SCD	Pretty Prairie	680	Directive	11/20/2007	Nitrate	The City has questioned EPA on its ruling against the KDHE Nitrate Strategy and is awaiting for an informational meeting with EPA.
KS2005502	I7510	SWD	Towns Riverview Subdiv.-Garden City	860	Directive	3/14/2007	Comb. Uranium	System needs certified engineer or consultant agency to consider to develop an alternative source, provide treatment, or pursue interconnection with another public water supply.





{In Archive} January 2012 ETT Response

Darrel Plummer to: Scott Marquess

04/05/2012 02:51 PM

Cc: Diane Huffman, Doug Brune, Cathy Tucker-Vogel, Dan Clair, William Carr

Archive:

This message is being viewed in an archive.

Took longer than anticipated...Is it time for the next one yet??? That one should be easy. Should be about the same as this one as this one is up to date as of today.

..now on to the draft program review comments...then state regs for the new rules...

Thanx,

Darrel R. Plummer  
Chief, Compliance/Data Management  
Kansas Dept. of Health and Environment  
Bureau of Water - Public Water Supply Section  
1000 SW Jackson; Suite 420  
Topeka, KS 66612  
Phone: (785) 296-5523  
Fax: (785) 296-5509

*Non responsive information  
on attachment redacted*

From: Scott Marquess [mailto:Marquess.Scott@epamail.epa.gov]  
Sent: Wednesday, March 21, 2012 3:15 PM  
To: Darrel Plummer  
Subject: RE: ETT response?

Thanks, Darrel.

▼ Darrel Plummer ---03/21/2012 03:13:42 PM---Putting the final touches on it. Should have shortly. darrel

From: Darrel Plummer <DPlummer@kdheks.gov>  
To: Scott Marquess/SUPR/R7/USEPA/US@EPA  
Cc: Diane Huffman/R7/USEPA/US@EPA  
Date: 03/21/2012 03:13 PM  
Subject: RE: ETT response?

Putting the final touches on it. Should have shortly.

darrel

From: Scott Marquess [mailto:Marquess.Scott@epamail.epa.gov]

Sent: Wednesday, March 21, 2012 3:12 PM

To: Darrel Plummer

Cc: Diane Huffman

Subject: ETT response?

Darrel,

I don't believe we've received a response to the January 2012 ETT list yet. Can you update me on the status?

thanks



Scott 1Q2012.xlsx

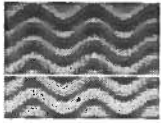


[illegible]

[illegible]

[illegible]

[illegible]



{In Archive} KDHE inquiry

Rochelle Gibson to: Diane Huffman, Kimberly Harbour

01/03/2008 01:40 PM

Cc: kkelsey, dplummer, DWaldo, Monica Wurtz

Archive:

This message is being viewed in an archive.

Diane/Kim,

I received a call today from Kelly Kelsey, KDHE, regarding the former Nitrate Strategy. KDHE began phasing out this Strategy by issuing a Directive to the city of Pretty Prairie requiring them to complete a feasibility study. The study concluded that Ion Exchange was the most feasible option at a cost of 1.5 million. The city is asking for written documentation addressing why the Nitrate Strategy is no longer acceptable. Kelly has asked if EPA could help address the city's inquiry, or if EPA could provide a letter directly to the city.

Could you please discuss EPA's assistance with this inquiry with Kelly?

The extent of my rotational assignments will prevent me from being able to provide this assistance.

Thank you  
Rochelle





{In Archive} Fw: water supply rumblings  
William Spratlin to: Huffman.diane, mindrup.mary

03/06/2008 07:14 AM

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

Lets discuss when both of you have a chance.

William A. Spratlin, Director  
Water, Wetlands and Pesticides Division  
EPA Region 7  
913-551-7401  
spratlin.william@epa.gov

----- Forwarded by William Spratlin/R7/USEPA/US on 03/06/2008 07:14 AM -----



KMuelden@kdhe.state.ks.us

03/05/2008 05:01 PM

To William Spratlin/R7/USEPA/US@EPA

cc dwaldo@kdhe.state.ks.us, Mary  
Mindrup/R7/USEPA/US@EPA

Subject water supply rumblings

Art:

Below is an excerpt from an internal KDHE e-mail with our staff passing along a "heads up". FYI  
Karl

*I was visiting with a consultant on the telephone this morning regarding our Directive issued to Kirwin for nitrate MCL violations and the requirement of a feasibility study. He informed me that the city of Pretty Prairie had sent letters to Kirwin, Green, Haviland, Everest, Norwich, Argonia (small community nitrate MCL violators) trying to arrange a meeting. Supposedly this meeting is being held Monday, March 10, 2008 in Salina. As I understand, these small communities are holding a meeting as a first action to begin fighting KDHE and EPA on the nitrate MCL of 10 ppm and more specifically the ability to use bottled water. You may have already heard this, but if not .... thought you should know.*







Archive:

{In Archive} Fw: Pretty Prairie Nitrate Treatment Costs

Mary Mindrup to: Diane Huffman

12/13/2007 11:19 AM

This message is being viewed in an archive.

FYI

Mary A. T. Mindrup  
Chief, Drinking Water Management Branch  
(913)551-7431  
Mindrup.Mary@EPA.GOV

----- Forwarded by Mary Mindrup/R7/USEPA/US on 12/13/2007 11:19 AM -----



DWaldo@kdhe.state.ks.us

12/13/2007 09:22 AM

To Monica Wurtz/R7/USEPA/US@EPA

cc Mary Mindrup/R7/USEPA/US@EPA

Subject Pretty Prairie Nitrate Treatment Costs

Link to article about the engineering study for nitrate treatment at Pretty Prairie. Predictable.

[http://hsn.live.mediaspanonline.com/Localregional/water2007\\_12\\_12T21\\_39\\_30](http://hsn.live.mediaspanonline.com/Localregional/water2007_12_12T21_39_30)

David F. Waldo, PE  
Bureau of Water-Public Water Supply  
Kansas Department of Health & Environment  
1000 SW Jackson, Suite 420  
Topeka KS 66612-1367  
Phone 785 296 5503  
Fax 785 296 5509



## Huffman, Diane

---

**From:** Marquess, Scott  
**Sent:** Monday, August 18, 2014 9:48 AM  
**To:** Huffman, Diane  
**Cc:** Dudding, Chris  
**Subject:** FW: Pretty Prairie  
**Attachments:** Whittemore KGS Report Pretty Prairie nitrate 2014.pdf; Mitchell August 11\_2014 letter.pdf

FYI

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**From:** Darrel Plummer [mailto:DPlummer@kdehs.gov]  
**Sent:** Friday, August 15, 2014 5:02 PM  
**To:** Marquess, Scott  
**Cc:** Brune, Doug  
**Subject:** FYI: Pretty Prairie

According to Mr. Hoch, he and the city took EPA to district court on this matter in the mid-90's and were successful so he and the city are prepared to enlighten the next generation of state and federal folks on the matter if they need to do so. [My paraphrase, not a direct quote.]

My initial read on the matter is that the city is looking for a three year "stay" on any enforcement action requiring them to install treatment in order to see if a "robust" source water protection program, based on Whittemore's findings, will decrease the nitrate levels in the area. I don't think they are thinking in three years source water protection will decrease nitrate levels below the MCL. At the end of three years they are hoping data will show that the trend will be toward lower nitrate levels rather than toward a continued increase in nitrate levels. They will then have more justification to propose continuing on solely with source water protection efforts in lieu of installing treatment even though they will likely still be in violation of the MCL.

I also attached a copy of John Mitchell's August 11, 2014 letter to the city.

Thanx,

Darrel R. Plummer  
Chief, Public Water Supply Section  
Kansas Dept. of Health and Environment  
Bureau of Water - Public Water Supply Section  
1000 SW Jackson; Suite 420  
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**From:** Hoch, Wyatt [mailto:whoch@foulston.com]  
**Sent:** Wednesday, August 13, 2014 5:19 PM  
**To:** Darrel Plummer  
**Subject:** Pretty Prairie

Thanks again for visiting with me this afternoon about the Pretty Prairie public water supply nitrate issue.

I've attached to this message an e-copy of the Don Whittemore July 2014 study that I referred to in our conversation. I'll obtain and read the John Mitchell letter to the City, then get back to you.

Wyatt A. Hoch  
Foulston Siefkin LLP  
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Wichita, KS 67206  
Direct Phone: 316.291.9769  
Direct Fax: 866.450.2989  
[whoch@foulston.com](mailto:whoch@foulston.com)



August 11, 2014

Katie Belden  
City Council  
City of Pretty Prairie  
119 W Main - PO Box 68  
Pretty Prairie, KS 67570-0068

Dear Councilwoman Belden:

Ed Markel, former State Representative Robert Krebhiel, and you met with Secretary Moser on June 10, 2014, to discuss the City of Pretty Prairie's drinking water nitrate issues and possible alternatives to avoiding the high cost of treatment. The main alternatives discussed included source water protection and searching for a new source of water.

Source water protection alone is not a viable option to address Pretty Prairie's nitrate issues at this point since the nitrate levels for the city's water are around 20 mg/L, twice the MCL. We believe this is also borne out in the Whittemore study where it is stated it could be difficult to bring the nitrate levels down to below the nitrate MCL.

Source water protection is a good process to put into place when communities are still below the MCL and seeing a steady rise in nitrate levels. If actively implemented before nitrate levels reach the MCL a community may be able to avoid the need to locate a new source or install treatment.

KDHE approved a similar program for the city, the wellhead protection program, in 1995 which has proven to be unsuccessful in controlling source water nitrate levels. Between 2003 and 2004, KDHE offered additional assistance for both source water protection activities and financial planning and the city declined the offer.

We do recommend an active source water protection program be implemented with the currently proposed treatment project. By helping to moderate source water nitrate levels, an actively implemented source water protection program will likely help the community ultimately reduce operation and maintenance costs. It will also eliminate costs associated with the potential installation of additional treatment capacity should nitrate levels continue to increase if nothing is done.

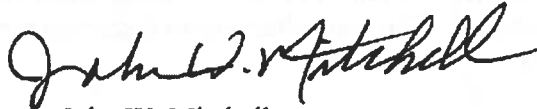
Searching for and finding a good groundwater source close enough to the city to be a viable option appears to be highly unlikely based on the nitrate levels of existing wells in the area. The city already tried this option once which resulted in the construction of the city's current active source, Well #5. We don't believe the resources the city would spend to locate and construct a new well, even if a satisfactory source could initially be found, would result in a long term solution to the city's high nitrate problems.

Though to date we haven't received the final PER (Preliminary Engineering Report), based on the information presented at the June 10, 2014, KIAC meeting, ion exchange treatment appears to be the best solution for the city to address the high nitrate levels.

We understand that the project discussed at the KIAC (Kansas Interagency Advisory Council) also included costs for other infrastructure including replacing the 1919 vintage water tower and sand-cast iron water mains. Understandably, the total estimated 4.6 million dollar project is a considerable amount for a community like Pretty Prairie. Though final financing numbers still need to be run and presented to the city, we believe that 50% or more of the total project could possibly be financed with a combination of CDBG and RD grants and SRF principal forgiveness.

Two million dollars is still a considerable amount for a community the size of Pretty Prairie to have to spend on water treatment though the city has had two decades to plan and properly address the matter. The Kansas Department of Health and Environment continues to be available to assist the city with the process of implementing a long term solution to the city's drinking water high nitrate issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Mitchell". The signature is fluid and cursive, with the first name "John" being the most prominent.

John W. Mitchell  
Director, Division of Environment

JWM:DRP:lw

pc: Mike Tate, Director, BOW  
Darrel Plummer, Section Chief, BOW/PWS  
South Central District